

CM 334178 1942 SABOTEURS CASE TRIED BY APPOINTED MILITARY COMMISSION VOL. III OF XVIII TRANSCRIPT

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III

STENOGRAPHIC TRANSCRIPT OF PROCEEDINGS

Before the

MILITARY COMMISSION TO TRY PERSONS CHARGED WITH

OFFENSES AGAINST THE LAW OF WAR AND THE

ARTICLES OF WAR.

Washington, D. C.

Friday, July 10, 1942.

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VOL III

C O N T E N T S .

Friday, July 10, 1942.

Name of Witness	Direct	Cross	Redirect	Recross
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Before the
MILITARY COMMISSION TO TRY PERSONS CHARGED WITH
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Washington, D. C.

Friday, July 10, 1942.

The Military Commission appointed by the President by order dated July 2, 1942, met, in room 5235 Department of Justice, at 10:30 o'clock a.m., to try for offense against the Law of War and Articles of War, the following persons: Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel.

PRESENT: Members of the Military Commission, as follows:

Major General Frank R. McCoy, President,
Major General Walter S. Grant,
Major General Blanton Winship,
Major General Lorenzo D. Gasser,
Brigadier General Guy V. Henry,
Brigadier General John T. Lewis,
Brigadier General John T. Kennedy.

As Trial Judge Advocates:

Honorable Francis Biddle, Attorney General of
the United States.
Major General Myron Cramer, The Judge Advocate
General, U. S. Army.

Colonel F. Granville Munson,
Colonel John M. Weir,
Colonel Erwin M. Treusch,
Major William T. Thurman,
Officers of the Judge Advocate General's
Department.

Oscar Cox, Assistant Solicitor General of the
United States,

course.

Colonel Dowell. We prefer to proceed with the case.

The President. The Commission will proceed as it has in the past.

The Attorney General. We appreciate that.

The President. At any time we will be very glad to have you indicate your wishes.

Colonel Munson. All the personnel of the Commission, the prosecution, and the defense who were present at the close of the previous session in this case are again present. The accused, all eight thereof, and the reporters, are also present.

The Attorney General. May I proceed?

The President. Proceed.

CHARLES F. LANMAN

was recalled as a witness for the prosecution and, having been previously duly sworn, testified further as follows:

Colonel Munson. You are reminded that you are still under oath.

DIRECT EXAMINATION--RESUMED

Questions by the Attorney General:

Q Mr. Lanman, which photograph were you on when the Commission adjourned yesterday? Do you remember?

A I would have to look at them.

Q Mr. Lanman, I think when we closed you were describing the objects contained in 84-C. Have you finished the description of those?

A No, sir.

Q Will you continue?

A Photograph No. 84-C is marked, "Time clocks and accessories similar to those landed by myself, Dasch, Quirin, and Heinck at Amagansett, Long Island, June 13, 1942." Signed, "E. P. Burger."

Colonel Royall. May it please the Commission, I am assuming that our same stipulation carries forward this morning.

The President. It does, and the reporter will make record of it, please.

Questions by the Attorney General:

Q He signed that in your presence?

A Yes, sir.

Q I hand you 84-D. What is that a photograph of?

A 84-D is a photograph of a coat and a pair of pants on which is noted:

"Photograph of coat I wore when landing at Amagansett, Long Island, June 13, 1942, identified by belt and buttons. This was the only coat worn by any of the group which had a belt." Signed, "E. P. Burger," in my presence.

Q The next one is 84-E. What does that represent?

A This is a photograph of various articles, headed:

"Photograph of: 1, sea sack. 2, raincoat. 3, shoes worn by Burger. 4, socks worn by Burger. 5, one of shoes of Quirin. 6, shoes of Henry. The articles of this photograph are identified by me as being those left by me on the beach at Amagansett June 13, 1942." Signed, "E. P. Burger."

Q With respect to all these photographs, I take it, Mr. Lanman, that you showed the objects to the defendant Burger and he then told you what they were and then this descriptive memorandum was written and he signed it; is that right?

A The objects were shown Burger later on, yes. These photographs were shown at a different time than the objects were shown.

Q He was shown the objects later, so he saw the objects themselves?

A Yes, he saw the objects themselves.

Q 84-F.

A 84-F is a "photograph of a cap worn by Burger at landing June 13, 1942, Amagansett, Long Island. E. P. Burger."

Q And G?

A 84-G is a "photograph of four objects. 1, shoes worn by myself. 2, one of shoes which I believe worn by Quirin. 3, shoes worn by Henry. 4, socks worn by myself, June 13, 1942. E. P. Burger."

Q I notice the word "Henry." Did Burger say to you whom he had in mind when he put "Henry" on the photograph?

A Henry Heinck.

Q I think Henry's name was mentioned once before.

A I believe so, yes, in one of the photographs.

Q Now, H.

A Is a photograph of a sea bag which is headed, "Sea sack in which civilian clothes were carried from submarine to shore at Amagansett, Long Island, June 13, 1942. E. P. Burger."

Q I.

2 A 84-I, "Suit worn by one of group when landing at Amagansett, Long Island, June 13, 1942. E. P. Burger."

 Q J.

 A J is a photograph of two shovels. The notation states:

 "Spades used to bury boxes and sea sack on beach of Amagansett, Long Island, June 13, 1942." Signed, "E. P. Burger."

 The Attorney general. Cross-examine.

 Colonel Royall. May it please the Commission, we have objected to each of these questions relating to conversations with Burger so far as they affect or relate to any of the other defendants. The Commission has not, as I understand it, ruled on that yet.

 The President. My remembrance is that there was a stipulation agreed to on that point by the Attorney General.

 The Attorney General. I think the President is correct. The stipulation was that counsel would make his objections to the introduction of this evidence as it affected the other defendants. I think counsel is correct in saying you had not ruled on the question as to whether or not they were admissible to affect the other defendants, I having said that I was going to follow these statements with other evidence, so that the time for ruling did not seem to me to have yet arrived. Is that correct?

 Colonel Royall. That is correct. The stipulation merely covered the general nature of the objection--that is, that the objection was deemed to have been made to each question and answer separately, without the necessity of rising and making

it seriatim. The stipulation did not indicate that the Attorney General had agreed to limit the testimony to this defendant.

We think it affirmatively appears at this time that this evidence is incompetent as to the other defendants. The rule of law in the civil courts and the rule of law as set down in the Court Martial Manual are almost identical.

As I understand it--and I shall read from the provisions of the manual in a moment--the confessions or declarations or admissions of an alleged conspirator are admissible against the other conspirators where two prerequisites have been met. The first is some affirmative evidence on the question of conspiracy itself, evidence aside from the declarations. Now, upon that feature of the case the Attorney General plans, and has announced, to introduce evidence later, and I think it would be conceivable that that particular objection could be deferred until it is determined what evidence would be offered by the Attorney General. That would be a matter, I think, in the discretion of the Commission.

However, there is another qualification upon the admissions or declarations or confessions, and that is that it must be a declaration, confession, or statement made in furtherance of the conspiracy and while the conspiracy is going on. It cannot apply and does not apply to statements made after the apprehension of a conspirator and after his participation therein has been terminated by his apprehension.

That is an objection which cannot be successfully met later by further evidence on the part of the prosecution, because the testimony affirmatively and definitely and

positively shows that these statements made by Burger were made after his apprehension and after his opportunity and ability to take any further steps in connection with the alleged conspiracy, if there were one, had terminated.

Now, the Court Martial Manual has two specific provisions on that. I am referring to Section 114 (c) of the Manual for Courts-Martial, appearing on page 117.

The President. Would you inform us what the date of that particular manual that you are using is?

Colonel Royall. This says 1928 on the back. I think I am correct in stating that this particular section has not been changed since this edition. The Judge Advocate General would know.

The President. Is that the case, General Cramer?

Major General Cramer. Yes, sir. There has been a reprint since the last edition.

Colonel Royall. The manual states:

"The acts and statements of a conspirator, however, done or made after the common design is accomplished or abandoned, are not admissible against the others, except acts and statements in furtherance of an escape."

Dealing specifically with those admissions which are in the nature of a confession, the last paragraph on page 117 states:

"The fact that a confession or admission of one conspirator is inadmissible against the others does not prevent the use of such confession or admission against the one who made it, but any such confession or admission

cannot be considered as evidence against the others."

3 Now, that is a rather succinct and brief statement of the law. The decisions of the various courts of the country, including the United States Supreme Court, are in accordance with the Court Martial Manual. They are made specific, naturally, because they go into greater detail.

In Hill On Criminal Evidence he discusses the matter, as does Wigmore.

There are a number of cases, which I do not think necessary to cite to the Commission, unless they desire to read them--

The President. The Commission does not care to have them read.

Brigadier General Henry. Perhaps he can read them into the record.

Colonel Royall. I refer specifically to the case of Logan v. United States, 144 U. S. 263, as one of the leading decisions on the question, which has been cited time and time again.

I call attention to two very recent Federal Court decisions which indicate that the rule is still extant, Minner v. U. S., 57 Federal (2d) 506, and Dowdy v. U. S., 46 Federal (2d) 417.

In the last of these cases the Court states this rule:

"It is well settled that before such a statement or declaration is admissible it must not only be made during the continuance of the conspiracy, but it must be made in furtherance of it. These statements in this case were nothing more than a confession by Martin implicating Funk, and all authorities hold that they are inadmissible

except as against the party making them"--the names Martin and Funk of course being parties in that particular decision.

I call your attention to the fact that the statement, to be admissible against the other defendants, must not only be while the conspiracy is continuing, and the courts have construed that to mean while the man who makes the declaration is continuing in the conspiracy, and it appears here that, of course, this defendant Burger was not continuing with the conspiracy at the time he made this statement. He could not have done so if he wished to, because he had been apprehended by the F.B.I.

Not only, however, is that a requisite, but it is also a requisite that the statements must be made in furtherance of the conspiracy; and it is manifest, of course, that statements made to the FBI could not be in furtherance of a conspiracy, unless it could be contended that the FBI were going to participate therein, which I think we cannot assume.

Now, under those circumstances we think that this evidence is clearly incompetent as against the other defendants. Not knowing how the case may develop, this particular question is a very fundamental question to the other defendants.

It not only finds support in the authorities which I have cited to the Commission and in the Courts-Martial Manual. It finds adequate support in commonsense justice and reason. In other words, to permit one member of an alleged conspiracy, by declarations made not under oath, and with no opportunity on the part of the other defendants to inquire or cross-examine as to them, and possibly made from some motive selfish to the

defendant making them--all those possibilities and uncertainties, of course, as to some of the features would make justice merely a mock if persons could be so convicted.

From time immemorial in the administration of the Anglo-Saxon law and in the laws from which the Anglo-Saxon law was originated this has been developed as one of the fundamental principles. In our American system of government and in the English system of government, certainly for two hundred years, there has been no question about this principle.

Giving to the Commission the fullest freedom in making its own rules, realizing that, as the Commission has announced, they may in instances disregard what are commonly considered technical rules, not related to what would convince a reasonable man--giving full weight to that--by no stretch of the imagination, it seems to us, can that cover a situation like this. We respectfully request that our objection be sustained to this testimony, to these declarations of the defendant Burger, so far as they may affect any of the other defendants.

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Colonel Ristine. May it please the Commission--

The President. Colonel Ristine, representing the defense.

Colonel Ristine. These statements were also made outside the presence or hearing of the other defendants; for that reason they should not be considered as competent, in addition to the other reasons alleged, because the other defendants had no opportunity to be confronted with such statements, and had no opportunity to deny the truthfulness of such statements.

The Attorney General. May it please the Commission--

The President. The Attorney General.

The Attorney General. These confessions--these admissions, rather, because the confessions have not yet been put in--are no different from any ordinary confessions. When a man's confession is taken, the other conspirators are not present. Counsel do not cross-examine him. It is no different from any ordinary confession or admission taken.

This question on which you are going to rule will arise, I take it, continually throughout this proceeding, and I think it not inappropriate for me to say now that I am going to introduce a number of signed confessions in this case. Therefore, realizing that a confession is always, of course, admissible against the person who made it, and realizing that the courts have held that a confession is introducible while the conspiracy still lasts, let me say this with respect to these particular admissions:

There is no evidence that this conspiracy was not going on at the time the admission was made. This evidence is as to the apprehension of this individual. There is no evidence that the conspiracy was not at that moment continuing, and the mere fact of the apprehension of any defendant does not show

o2

that the intent, which is a part, and an essential part, of the conspiracy itself, is not continuing.

With respect to another feature of the law, let me say in passing that one reason, I take it, why this rule, which does seem to me to be a little technical, though a just rule, was made, was, of course, that it was meant at common law to apply to jury trials, where it was felt inappropriate for a jury to hear evidence of one man after the conspiracy was over. That hardened into the rule of evidence which was the basis of the section of the manual which has been referred to by Colonel Royall.

There is another ground, it seems to me, for the admissibility of this evidence, and that is the ground of *res gestae*. Here admissions are made which I think, in view of the very recent apprehension or rather of the very recent landing of these defendants, are part of the *res gestae* itself; therefore, as part of the *res gestae*, being so closely connected to that landing on Long Island, it becomes itself material evidence.

But the main point, it seems to me, where the Commission should not rule unfavorably to these admissions is found in the direction of the Commission itself, and this I emphasize particularly. You are directed as follows:

"Such evidence shall be admitted as would in the opinion of the President of the Commission have probative value to a reasonable man."

Is not the very purpose and essence of that clause in the Commission creating this body to disregard the highly technical and complicated rules of evidence and to consider whether or not when Burger freely and without any duress says, "I recognize

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these clothes as having been worn by one of the men that was with me," it is convincing to a reasonable man?

As I say, we have to begin our case. That will be followed and tied into the statements and confessions of the other defendants here. It is tied into the physical objects that were found either on the defendants or on the beach, and it is tied into the entire picture of a moving conspiracy and is by no means founded in the confession alone; but the admissions and the confessions become an integral part.

Looking at it from the standpoint of the reasonable man, to say that these admissions which you heard have no probative value seems to me to avoid the very essence of the power which this Commission gave to you in hearing the case.

Colonel Royall. May it please the Commission--

The President. Counsel for the defense.

Colonel Royall. It does not seem to me that it is a very forceful argument to say that this should be admitted "because we are going to ask for others to be admitted." It seems to me that if they have the confessions of other defendants, it to a large extent removes a practical necessity as well as a legal basis for trying to prove the case against one by using the confession of another. But I think that that is beside the point.

The question of the conspiracy still continuing at the time of these statements leaves out of account the reason why there is a requirement that the conspiracy continue. It means it must as to the man who makes the declarations. The theory upon which confessions and declarations of one defendant are admissible against the others is that the man who makes the declaration is acting for the group; therefore, the conspiracy

o4

must continue as to the one who makes the declaration--and it had definitely terminated as to him in this case. As I said before, it must also be in furtherance of the conspiracy, an element which is entirely lacking here and as to which the Attorney General did not address any remarks.

As to the distinction between a jury and a commission, there is all the more reason why this Commission should enforce this well established rule than there would be in the case of a jury, because in the case of a jury, the jury would hear it just as this Commission has heard it, and there might be serious question as to whether the jury had sufficiently discriminating minds to apply it as to one defendant and not to another. That doubt does not arise here. This Commission is thoroughly capable, able, and willing, if they think it is not admissible against another defendant, to apply it against the one who makes the declaration or confession and no one else.

Dealing briefly with the wording of the order, to say that this is a class of testimony that is embraced within the terms of that order is to say, in effect, that all our courts of all our jurisdictions, the liberal as well as the strict, the English as well as the American, have been enforcing for generations a rule that has no reasonable basis. I say to this Commission that this rule is fundamental: that no man can be convicted by what is purely hearsay evidence of what another man says.

One thing we are proud of in this country--and I am not trying to get oratorical about it, but I think it is so essential that I want to make this point--is our system of administering government. We are proud of it particularly in

o5

times like this, when it stands out in sharp contrast to other systems which we are fighting--and we are fighting presumably and, I think, actually to protect our system of government.

Perhaps in the case of pure technicalities this question does not arise; but when we deal with a fundamental principle of trying seven other men upon an unsworn, unexamined, and uninvestigated declaration of an eighth, we are encroaching, in our humble opinion, upon a fundamental element of our administration of justice.

We sincerely trust that this Court will rule this evidence to be incompetent as to all the defendants except the defendant Burger.

The Attorney General. May I add one more word? I do not want to labor this too long. However, it seems to me that perhaps I should have made a little more clear a point, as I think you gentlemen know, that is not always made clear in the textbooks. That is the question of *res gestae*.

It is a fact--and we will show--that at least six of the other defendants were at large when Burger was apprehended. So it is a fact--and I can make a formal offer of proof, but I think it is not necessary--that the crime of the conspiracy was actually continuing at that moment. I am not speaking of the confession; I am speaking of the *res gestae*. It is perfectly clear, it seems to me, to whatever extent the *res gestae* goes, that in the heat of the crime any statements or admissions or oral ejaculations or conversation made by any of the defendants is part of the crime itself, thus taking it out of the hearsay rule. I want to emphasize that because that seems to me to be a particularly important point here. Let me state it very briefly again.

o6

Six of these defendants were at large and had been apprehended; presumably, therefore, the conspiracy was continuing. Another defendant--another prisoner--during that specific time made statements which clearly, therefore, come out of the hearsay rule because they were, so to speak, made in the heat of the crime.

Major General Winship. May I ask a question in this connection? How were those statements made by him at that time in furtherance of the conspiracy? I should like to hear you on that.

The Attorney General. I have not argued that they were, and I do not think that they were in furtherance of the conspiracy. I do not think I have said that I thought they were.

Major General Winship. I thought you did. You claim that they are part of the res gestae?

The Attorney General. I claim that, and I also claim that the conspiracy is not yet over and that, therefore, the evidence of any conspirator, so far as the rule that the conspiracy is still continuing is concerned, is admissible. I do not think these statements were in furtherance of the conspiracy. I do not think anybody could argue that. But I do claim that any reasonable man confronted with this evidence--not a reasonable lawyer, but a reasonable man--any reasonable man--would say, "Why, of course, this shows that that fellow was guilty. He remembers these very objects; he knows the men who wore these objects. It is detailed, definite, and accurate; there is nothing fake about it."

Therefore, it seems to me to become highly relevant under the powers that you have under this Commission.

Colonel Royall. May it please the Commission--

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The President. Counsel for the defense.

Colonel Royall. At the risk of talking too much--and we do think this is an important question, so I hope I am not encroaching upon your time--

The President. No, we should be glad to hear this fully discussed.

Colonel Royall. This is in no sense a reflection of or a criticism of the splendid Attorney General, but I hope it is not inappropriate to say that at the law school I attended the definition of *res gestae* was given as "Two Latin words designed to conceal and confuse thought." It is a term which frequently is used as a last resort to cover something that cannot be covered anywhere else.

Res gestae, as a matter of fact, has a stricter criterion than does the admissibility of confessions and declarations. *Res gestae* means that the declaration is a part of the actual commission of the crime, and it is not admitted as a declaration against anyone else at all, but is admitted as a part of the act. In other words, a remark that a man might make while he was shooting another person would be a part of the *res gestae*, to show his intent. As the Court-martial Manual so well says:

"Evidence admitted as part of the *res gestae* is not for the purpose of proving the truth of the remark but merely to show that the remark was made as a part of the act."

There is no contention--there could not be any contention--that the statement made by Mr. Burger to the F.B.I. was a part of his actual commission of a crime. That is inconceivable.

o8

He was not in the act of committing any crime when he talked to the F.B.I.--much to the contrary: he had been stopped from committing a crime. Therefore, the rule of res gestae is a considerably stricter rule and has not been complied with, we contend, in the remotest degree in this case. It comes back to whether or not this declaration or confession was made in furtherance of a conspiracy, and that, under the Court-martial Manual and under the decisions, is not admissible.

Colonel Ristine. May I make one further observation?

The President. Colonel Ristine.

Colonel Ristine. May it please the Commission, it frequently happens when one person is apprehended and charged with an offense in which others may be implicated that for the purpose of protecting his friends he gives names of other persons as the participants with him, and that is one of the reasons why such testimony is so dangerous.

It is more likely, if one of the participants in a conspiracy or the commission of a crime by joint action of others is apprehended, that he, if he gives any names at all, will give fictitious names, names of persons not implicated with him, rather than implicate his own friends. For that reason, such testimony is scrutinized very carefully and in practically every instance is rejected outright because of the danger of accepting it, because, as the Attorney General stated, if it be true, why, of course, any reasonable man would believe it.

The President. Are there any further remarks, or is there any more discussion?

(There was no response.)

The President. May I ask the counsel of defense to make sure on this point: I understand that you accept the evidence

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of the witnesses insofar as it affects Burger?

Colonel Royall. That, sir, is correct. We do not object to it for that purpose.

The President. You move to strike out or you object in general terms to allusion to any other defendant; is that the case?

Colonel Royall. We objected, sir, to all these declarations so far as they affect the other defendants at all, whether it mentions them by name or in any other respect. We objected at the outset, and we had a stipulation with the Attorney General that it would not be necessary to make that objection to each question, and the Commission approved that stipulation.

Therefore, what we have before the Commission is an objection to each question and answer of this witness relating to Burger's declaration, so far as that testimony affects or might affect any of the other defendants.

The President. That is your understanding also, Mr. Attorney General?

The Attorney General. Yes, Mr. President.

The President. The Commission will be closed.

(The Commission was then closed. When it reopened, the following occurred:)

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Wilfong
fls Attig
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The President. The Commission is open. Is the attendance as it was previously?

Colonel Munson. The total membership of the Commission, all the accused, counsel on both sides, and the reporter are present as previous to the recess.

The President. The Commission will suspend ruling on defense counsel's objection at this time.

The Attorney General. You may cross examine.

Colonel Royall. If the Commission please, that presents a question of procedure on which I would like to ask instructions. If our objection had been sustained, we would not have cross-examined this witness as to any matters which relate to any defendant other than Burger. It is our desire to still follow that course until the Commission finally rules, and to recall this witness in the event the Commission denies our motion or overrules our objection. I think that course would be better, if the Commission will agree to it.

The President. Are there any remarks on behalf of the prosecution?

The Attorney General. I object to that, sir. Obviously the counsel's dilemma is that if he cross-examines the witness he waives his objection. Therefore, unless the Commission otherwise rules that the cross-examination should be suspended, I think it should follow the normal course. You have heard the evidence.

Colonel Royall. May it please the Commission, that is seeking to deprive counsel of the benefit of the position which certainly has sufficient merit to be seriously considered by the Commission. All I am asking is that I be permitted to

cross-examine the witness at this time solely on behalf of the defendant Burger, and suspend any other cross-examination until the Commission has definitely ruled. It seems to me that is the only fair method of procedure in order to preserve the matter until the Commission rules on it.

The Attorney General. I of course have no objection to counsel's cross-examining the witness on behalf of Burger, but I do hope that the witness will not be again recalled. I am exceedingly anxious to press this trial as promptly as possible, to avoid any delays. Counsel can always move to strike evidence, even after the evidence is in. I hope, therefore, that if there is to be any cross-examination by any counsel with respect to any defendant it will be made now.

Colonel Royall. May I ask the Attorney General, with the permission of the Commission, if he will permit me to cross-examine generally, without such cross-examination waiving my right to later strike.

The Attorney General. No; I shall not agree to anything. I think Colonel Royall can proceed to cross-examine and move to strike evidence later. I think Colonel Royall is entitled to make a motion to strike at any time he wants. The effect of the cross-examination and his right to strike is for him to determine, I think.

Colonel Royall. May it please the Commission, we are not trying to play a game here on either side, I am sure. When the Commission announced that it took this matter under advisement for the present, I assumed that that meant that the Commission wanted to determine later, when more facts had been developed and more thought had been given to it. The

method of procedure which I suggest is merely in line with that.

What I propose to do is to follow this course unless the Commission definitely rules now. I am going to examine the witness solely on behalf of the defendant Burger, and I shall at the conclusion of the cross-examination again request the Commission to let me reserve the right to cross-examine him on behalf of the other defendants in the event that our position is sustained. Of course I have a right, as the Attorney General has said, to cross-examine solely on behalf of Burger if I so elect. So that we for the present so elect.

The Attorney General. I will stipulate, then, if you will agree, that you will cross-examine the witness generally, with a reserved right to move to strike with reference to the witness' testimony as to the other defendants. That would save recalling him.

Colonel Royall. And the fact that I had cross-examined him would not be urged as a waiver of my rights?

The Attorney General. Yes; I will agree to that. That seems fair.

The President. Proceed.

The Attorney General. Before counsel proceeds may I have the Commission's permission to let the witnesses Barnes, Franken and Nirschel go? I have asked counsel if they wanted them any more, and they say no. We would like to have them sent back to their duties as Coast Guard men.

The President. Very well.

CROSS EXAMINATION

Questions by Colonel Royall:

Q Mr. Lanman, I believe you testified that you talked over this matter with Burger from time to time, over a period of several days?

A Yes, sir; that is quite correct.

Q And you have on your direct examination given statements that he has made as to only a part of the matters you discussed with him; is that correct?

A Yes.

Q The entire results of your inquiries were embodied in a written document, were they not?

A Yes.

Q And that written document was signed, was it, by the defendant Burger?

A Yes; it was.

Colonel Royall. Do you have an extra copy of that?

The Attorney General. Yes.

The President. Is that copy in evidence?

Colonel Royall. No, sir; it is not.

Questions by Colonel Royall:

Q Did he sign two different instruments, or did he sign only one? Do you recall?

A Yes.

Q Which?

A Two.

Q One was in large part a small condensed statement of the other, omitting certain matters; is that correct?

A That is correct.

Q Mr. Lanman, I realize that it is difficult for you to remember every word that was said, and I want to hand to you a copy of each of these instruments for the purpose of your using them, if you so desire, to refresh your recollection as to any matter I might ask you about, if your recollection needs refreshing.

The Attorney General. I object to that. The confessions are not in evidence. They will be put in at the appropriate time, if so decided; and this is simply a method of cross-examining the witness on confessions which are not in evidence; and obviously it is not appropriate cross-examination. The direct examination covered certain oral admissions chiefly made with respect to certain garments and other materials involving certain of the other defendants. The confession is not in evidence, and therefore it is inappropriate to ask the witness with respect to the confession, because that is not proper cross-examination, and I object.

Colonel Royall. May I, before arguing that, ask the witness one or two other questions which may clarify the situation?

The President. Proceed.

Questions by Colonel Royall:

Q Certain of the statements you have testified about are contained in little narratives signed or written by Burger on some tabs attached to certain exhibits; is not that correct?

A I do not quite understand your question, sir.

Q What were you reading from from time to time?

A The exhibits that were offered in evidence here?

Q Yes.

A Those were tags prepared by Burger.

Q The statements which Burger signed on those tabs were parts of the whole story he told you, were they not?

A Why, yes.

Q There were other facts in connection with the matters stated on those tabs which were stated more fully to you by Burger; is not that correct?

A Yes, sir.

Q Therefore the statements of Burger on those tabs and as to the other matters about which you have testified he made statements, represent only part of the whole picture he painted to you in his statements; is not that correct?

A I do not recall at the present time whether the complete detail of the material that was exhibited here was exhibited to Burger and was contained in the particular statement.

Q But certainly as to the narrative matters on those tabs, that was only a part of the entire picture which Burger gave you, was it not?

A That is correct.

Colonel Royall. Now, may it please the Commission--

The Attorney General. Perhaps it would be easier to proceed with your questions, and then I can object to a specific matter.

Colonel Royall. But we were addressing ourselves to this, first. The only purpose of giving these documents to the witness was this. It was not our intention to ask him to read them in evidence. Manifestly that would be an evasion of a

very salutary rule against using a prosecution witness to develop a defendant's testimony. They can be offered by the prosecution or by the defendant under certain circumstances. The only purpose of it is that this is a long investigation extending over a period of two or three days. It is our purpose to ask him about certain matters in that investigation related in large part to the occurrences he has stated and to the declarations he has stated.

The Attorney General. I have no objection to the witness being shown the statements; and I will reserve my objections to specific questions.

Colonel Royall. I thought it would be less confusing to the witness if he had these to refresh his recollection. I am not trying to confuse him or impeach him, but merely to see that his recollection is refreshed if necessary.

Questions by Colonel Royall:

Q Mr. Lanman, who was present when you entered Burger's room for the purpose of arresting him? Who was present besides yourself?

A Assistant Director E. J. Connelley, Special Agent Rice and myself; and there were two other agents, Spigner and Jones. They were in the party.

Q Is it not a fact that when you entered or prepared to enter the room you found that it was unlocked?

A I could not answer that, sir, because I did not open the door.

Q Do you recall who did?

A I am not certain; no. I was in the back of the party and I could not answer that definitely.

Q You did observe that Burger was not surprised at all at your arrival, did you not?

A Burger had his back to us, on the bed, and I cannot explain exactly the details we went through at this time; I do not recall them. However, he made no resistance.

Q He told you at that time, or told someone in your presence, that he had been anticipating--

The Attorney General. I object to that. There has been no evidence to suggest anything of the kind. This is cross-examination, and I think that is a highly inappropriate question.

Colonel Royall. I have not asked it yet.

The Attorney General. I do not want you to ask it.

Colonel Royall. What can I do if I cannot ask the question?

Colonel Dowell. May I say something on that point, may it please the Commission?

The President. Proceed.

Colonel Dowell. I take it that this is a fact-finding tribunal, and that everything should be done to bring out the full and complete facts bearing upon this case. Certain portions of the confession have been introduced already. Standing alone they do not bring out the full facts, as is usually the case. The law, as I understand it, as embodied in the Court-Martial Manual, will be found in a simple rule at page 115, Section 114, under "Rules," relating to confessions (reading):

"Evidence of a confession or supposed confession cannot be restricted to evidence of only a part thereof. Where a part only is shown, the defense by cross-examina-

tion or otherwise may show the remainder so that the full and actual meaning of the confession or supposed confession may appear. For example, if in a trial for the common-law larceny of a horse the prosecution proves that the accused admitted that he broke into the stable and 'stole' the horse, the defense may show that the accused added the statement that the horse was taken solely for a temporary purpose with the intent to return it."

That is what we conceive to be the pertinent part of that paragraph.

It is well known that statements taken in part do not prove the whole story; and I cite the well-known illustration of the quotation from the Bible, "Go thou and sin." Unless you add the words "no more," you do not get a correct picture. We maintain that the portions of this particular confession thus far introduced in evidence, by direct questioning of this witness, will be materially changed by hearing the whole story.

The Attorney General. I cannot understand the purpose of the argument at all. There has been no confession introduced yet in any way. The rule is obvious that when it is introduced it has to be introduced in toto. Of course if we introduce it, we will put in the whole confession. The witness was asked about certain remarks which were made by the defendant with respect to certain articles of clothing and other matters. The specific thing before the Commission now is a question by Colonel Royall with respect to an alleged conversation, I understand, with another person, or a message from another person. That is what I objected to, because it had not been brought out.

Colonel Royall. May it please the Commission, a confession is not necessarily a written instrument. A confession can be oral as well as written; and the mere reduction of it to writing does not alter the rules stated in the Court-Martial Manual as to what is said orally. This witness has testified that he has made certain statements as to what Burger said, not merely on the identification of articles, but, as the Commission will well remember, as to what happened on the beach, what happened as to various items of the alleged conspiracy. That is part, as he says, of a picture which was painted over two or three days.

The law says that we are entitled to the whole picture. That is what the Court-Martial Manual says and what the law says. That is all we are asking. We want the whole picture of this oral confession made over several days.

And not only is that true, but we are entitled, as we conceive the law to be, on this specific question that I am about to ask, to examine fully into all the circumstances under which these various statements were made, everything that may throw some light upon the purpose with which they were made, the voluntary manner in which they were made, or the involuntary manner, the attitude with which they were made--every one of those elements is a perfectly competent and relevant circumstance.

This question which we ask now to be permitted to complete--

The Attorney General. May I interrupt a moment?

Colonel Royall. Certainly.

The Attorney General. It is difficult, of course, to rule on an uncompleted question. I dislike the form of the question,

and I will withdraw the objection if you will state your whole question, and the Commission can then rule on it.

Colonel Royall. That will certainly be helpful.

The Attorney General (approaching the bench). Would the Commission permit counsel to state the question at side bar, in other words, to state it to the reporter and have it read to you, so that others here present cannot hear the question?

The President. Could you two confer for a few moments and see if you cannot reach some agreement? Possibly the defense counsel can frame his question in a way that would be acceptable.

(The Attorney General and defense counsel conferred.)

The President. May I interrupt, on the part of the Commission, to ask if this would not be a good time to recess for lunch?

The Attorney General. Until 1:30, Mr. President?

The President. Yes. You asked for an hour.

The Attorney General. Yes, sir.

The President. The Commission will recess until 1:30 this afternoon.

(Whereupon, at 12:28 o'clock p.m., a recess was taken until 1:30 p.m. of the same day.)



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A F T E R R E C E S S

The Commission reconvened at 1:30 o'clock p.m., upon the expiration of the recess.

The President. The Commission is open.

Colonel Munson. May it please the Commission: All the personnel of the Commission, the prosecution, except Mr. Cox, one of the assistant trial judge advocates, and also Colonel Weir, of the prosecution, are present. The accused and the reporter are also present. The others whom I have named are temporarily on business for their respective sides.

The Attorney General. May it please the Commission, counsel have made an agreement under which this witness, Mr. Lanman, is temporarily to be withdrawn from the stand, and the prosecution will call the next witness.

May it please the Commission: The prosecution now intends to call the defendant Burger. I understand, and I have conferred with counsel for the defendants, that counsel have advised him not to take the stand. I should like to call him to the stand and to have the President of the Commission instruct him as to his rights and duties under the circumstances.

Burger, will you take the stand, please?

(Ernest Peter Burger stepped forward.)

Colonel Munson. Do you desire to instruct him, may I ask the Commission, before he is sworn, as to his rights? Should he be sworn first, do you think?

The President. I think we will not swear him.

Colonel Munson. The Commission will inform you of your rights.

The President. May I ask defense counsel if the accused has been fully advised of his rights, to wit, first, that he may be sworn as a witness and testify under oath, like any other witness?

Colonel Royall. We have so advised him.

The President. Second, that he may make an unsworn statement?

Colonel Royall. We have so advised him.

The President. Third, that he may file a written statement with the Commission?

Colonel Royall. We have so advised him.

The President. Or that he may keep silent, with no inference that may be used against him to be drawn?

Colonel Royall. We have so advised him and have advised him further that, in our opinion, he should remain silent.

The President. You are sure he understands the implication?

Colonel Royall. He understands the implication--that that may not be used against him in any way.

The President. The Commission will permit you, further, to take the stand and to testify under oath, or not to take the stand, or to make an unsworn statement.

Ernest Peter Burger. I ask your permission, sir, that I may testify later when my counsel advises me to.

The President. Have you any remarks?

The Attorney General. I did not hear what the witness said.

The President. He asked that he be permitted to take the stand later, on the advice of his counsel.

Colonel Royall. Yes, sir. We advised him that he could take the stand in his own defense after the prosecution closed, if they have made out a case.

The Attorney General. In answer to that, I say that I give him an opportunity to take the stand, as he wishes, and whether I will call him again or not is not yet decided.

If you want to take this stand, Mr. Burger, now, I having called you as a witness for the prosecution, the Commission has advised you that you may do so, if you want to do that.

Colonel Royall. Or you may not.

The Attorney General. Or you may not, if you do not want to.

Ernest Peter Burger. I still would like to follow the advice of my counsel.

The Attorney General. Very good.

Lieutenant Page. Mr. Lanman. This witness has been sworn as to secrecy.

CHARLES F. LANMAN

was recalled as a witness for the prosecution and, having been previously duly sworn, testified further as follows:

Colonel Munson. The witness is reminded that he is still under oath.

The Witness. Yes, sir.

DIRECT EXAMINATION--RESUMED

Questions by the Attorney General:

Q Mr. Lanman, you have been sworn.

Will you mark this as an exhibit?

(Statement of Ernest Peter Burger,
June 23, 1942, was marked P-85.)

Colonel Royall. Mr. President, would you let it appear that our further cross-examination is deferred until--

The Attorney General. Until the witness Lanman is finished on direct examination?

Colonel Royall. Yes. You had turned him over for cross-examination. I did not want it to appear that we had finished.

The Attorney General. Yes.

The President. That is understood.

Questions by the Attorney General:

Q Mr. Lanman, I show you a document marked "P-85" and ask you if you recognize it (handing a document to the witness).

A Yes, sir.

Q What is it?

A This is the statement of Ernest Peter Burger.

Q In how many pages?

A Sixty-six pages.

Q Is it signed by Burger?

A Yes, sir; it is signed by Burger.

Q In whose presence was it signed?

A In the presence of myself and Special Agent J. G. Fellner.

Q At what time and on what date?

A This present statement was signed on Sunday, the 28th of June, at about 4:30 in the afternoon.

Q Does each page of the statement contain the initials of the defendant Burger?

A Yes, sir, it does.

Q He initialed them in your presence?

A In my presence; yes, sir.

Colonel Royall. Mr. President, if it would simplify the matter, the defendant Burger will offer no objection to this confession, if it is offered in evidence.

The Attorney General. I will offer it in evidence. It is a very long statement, may it please the Commission, but I am afraid I will have to have it read in toto.

(Prosecution Exhibit 85 was received in evidence.)

Colonel Royall. Now, the other defendants do object to its introduction, the question being exactly the same as the Commission now has under advisement. I assume that we can follow the same course as to that.

The President. Yes. Have you made a record of that, Mr. Reporter?

The Reporter. Yes, sir.

Colonel Ristine. Mr. President, may we, for the sake of brevity, agree that, with respect to questions of testimony or motions to strike, the one objection, unless otherwise specified, will apply to all of the other defendants, without special agreement each time?

The President. Yes. In other words, you join with Colonel Royall in his motion and stipulation with regard to this character of evidence?

Colonel Ristine. Yes, sir, without specifically so stating each time.

The Attorney General. With the permission of the Commission--this is a very long statement--could Mr. Cox sit down while he is reading it?

The President. Yes.

EXHIBIT P-85

Mr. Cox (reading).

"New York, New York. June 23, 1942.

"I, Ernest Peter Burger, make the following statement to C. F. Lanman, and J. G. Fellner whom I know to be Special Agents of the Federal Bureau of Investigation. I make this statement of my own free will and volition, having received no threats or promises and I know that anything I say herein can be used against me.

"I was born September 1, 1906, at Augsburg, Bavaria, in the southern part of Germany. I attended both public and high school in Augsburg, after which I attended the Machine Building School also at Augsburg until the summer of 1926, after which I was graduated and obtained various positions throughout Germany principally in Weimar, Germany as a machine builder.

"In February of 1927, I left Germany aboard the S.S. Munich of the North German Lloyd Line and travelled to New York where, at the port of New York, I entered the United States under a quota immigrant visa which I obtained prior to my departure from Germany.

"After landing in New York City, I departed directly for Milwaukee, Wisconsin where I intended getting in touch with Mrs. Theresa Weis, who had signed my affidavit for my admittance into the United States. Upon arriving in Milwaukee, I obtained a position at the Nordberg Manufacturing Company as a tool maker where I remained until the fall of 1927 when I quit this job and moved to Harvey, Illinois where I obtained a position with the Buda Diesel Motor

Company in the Motor Repair Department. I stayed in this job until the spring of 1928 when I moved to Detroit, Michigan, where I obtained a job in the Briggs Manufacturing Works as a tool and die maker.

"During my stay in Detroit, Michigan, I studied English, taking private lessons and attended one of the night public schools. I remained at the Briggs Manufacturing Company until the summer of 1929 when I went back to Germany on a visit. I stayed in Germany four weeks. I paid for my own passage to and from Germany on this visit. Upon my return to the United States, I went immediately back to Detroit. While I was in Harvey, Illinois, I declared my intention of becoming a United States citizen and for the trip to Germany and return, I obtained a re-entry permit from the United States Government. Upon my return to Detroit in 1929 the depression had set in and I had considerable difficulty obtaining employment. However, I obtained employment at both the Briggs Manufacturing Company and the Hudson Motor Car Company.

"On June 17"--

The President. Will you stop a moment, please?

Colonel Royall. I just wanted to make this inquiry. There are not enough copies of this for each member of the Commission to have one.

The Attorney General. No, I am afraid not.

Colonel Royall. I thought it might facilitate the matter. The Commission might want to note on it some particular notations.

The Attorney General. Would the Commission like to

have copies before them?

Colonel Royall. I did not know whether it would be helpful or not.

The President. I think if you give the President one, it will be sufficient.

The Attorney General. Here are two, General McCoy.

Colonel Royall. Here is a third one.

The Attorney General. Will you state to the Commission, Mr. Cox, where you are now?

Mr. Cox. Yes. I am at the last paragraph on page 1.

(Reading): "On June 17, 1931 at Detroit, Michigan, I enlisted in the Michigan National Guard becoming a member of Company A, 125th Infantry, National Guard Reserve of the State of Michigan. I remained a member of the Michigan National Guard until the 22nd day of October, 1931 when I was honorably discharged due to the fact that I was moving back to Milwaukee, Wisconsin.

"While I was a member of the National Guard in Detroit, Michigan, Captain Jackson, the Commander of my Company in the National Guard, told me that he wanted to form a Machine Gun Company composed of former German soldiers now residing in this country. As a result of this, I went to see some Germans belonging to an organization whose name I do not know, located at the Deutsche's House in Detroit, Michigan. I did not know anyone at the Deutsche's House, but being a German myself, I just walked in and made a speech at a meeting which was being held. This was a small meeting of probably twenty young men, whom I believed to be a sport club or something like that. I

tried to interest them in the National Guard work but they told me to get out. They also told me that I was no German and that it was not an idea of working for the fatherland.

"On November 6, 1931, I re-enlisted as a Private First Class in Company K, 127th Infantry, of the Wisconsin National Guard. The fact that I enlisted in the National Guard in Detroit, Michigan, after my return from Germany is purely a matter of my own personal volition. There was nothing whatever said to me by anyone in Germany, during my visit over there, that suggested that I should become a member of the National Guard. I enlisted in the National Guard in both Michigan and Wisconsin because I was interested in military life.

"During the time I was in the Milwaukee National Guard, I was called out for emergency duty in connection with the milk strike, which occurred in Racine County in May or June of 1933. During the duty I performed at the time of the milk strike, my Captain W. J. Szulakiewicz got to know me very well and as a result of this acquaintance, wrote for me a very fine letter of recommendation to assist me in obtaining work in the United States. This letter is included in with my National Guard discharges which are in the possession of the New York Office of the Federal Bureau of Investigation.

"As previously stated, I left Detroit, Michigan some time after October of 1931, and went to Milwaukee, Wisconsin. In Milwaukee, I worked for Bucyrus Erie Company for about four months. I was let out of this job because of lack of work. This plant is located in South Milwaukee. I was

out of work for a long period after this and I finally obtained a temporary job for a few days with a road construction gang. My family in Germany, having heard from me and knowing that I was having difficulty finding work, wrote to me and told me that I better come home. They sent me a ticket on the Hamburg American Line, Steamship Hamburg.

"During my stay in Milwaukee between 1931 and 1933, I lived in various places on the outskirts of Milwaukee, principally South Milwaukee. However I cannot recall any of the addresses that I used.

"Also, while in Detroit, I went on a number of occasions to the Kolping Society, a German Catholic Club. As a matter of fact, I stayed overnight on several occasions. However, I did not like this place as they were too religious in their actions.

"I wish to state also at this time that up to my departure from Germany, I was a member, in good standing, in the National Socialist Party to which I did belong since February of 1923. I was also a participant in the original 'Beer Hall Putsch' in 1923. Prior to my actually joining the National Socialist Party, I was a volunteer in the Freikorps which was organized to fight the invading Poles in Upper Silesia in 1921. However, after coming to the United States in 1927, I did not, in any way, engage in any activities or attempt in any way to further the interests of the National Socialist Party in the United States. At this time, I did not really believe that Hitler would ever gain control of the German Government and even went to the extent of bringing my childhood souvenirs with me to

this country. Part of my reason in coming to America was due to the fact that the remaining party members were being oppressed and I was constantly under the fear of terroristic acts and fear of imprisonment and the party had become reduced in number to about one hundred thousand and I felt that there was very little future in remaining in Germany.

"In 1933 when my family sent me a ticket to return, they also told me that I had nothing further to fear inasmuch as Hitler had come into power and I would be safe upon my return to Germany. Therefore, as previously stated, I did return to Germany.

"Upon my return to Germany, I went directly to Augsburg where I rejoined my family and where I remained until the fall of 1933. As soon as my old friends found out that I had returned home, they immediately arranged for me to rejoin the National Socialist Party, although the enlistment in the Party had been closed on the orders of Hitler due to the fact that after Hitler's rise to power his enemies were trying to join the Party but inasmuch as I had been an old Party member and was well known, I was immediately taken into the ranks at Augsburg. However, due to the fact that I had dropped my membership from the Party when I left Germany in 1927 and did not send any newspapers cuttings or dues or keep in contact with the Party in any manner at all while I was in the United States, the Party did not give me back my old Party membership number. It was necessary when I re-entered the Party for me to serve a probationary period of two months during which time those in

charge would determine if I should be trusted.

"In the fall of 1933 I met a former friend of mine who is a Party member and also a member of the Highest Storm Trooper Command in Munich. When he learned that I was back from the United States, he told me that I should go to Munich where he would put me to work. Upon arriving in Munich, I was assigned to the Chief Adjutant's Office, attached to Chief of Staff Ernest Roehm, who, at that time, was Adolf Hitler's right hand man. I reported directly to a man named Bergmann, who was Roehm's right hand man, and, also to Roehm. I travelled as an aide-de-camp to Roehm and Bergmann and also to other leaders on Roehm's staff.

"I remained in this position until June 30, 1934 when Roehm and a great number of Storm Troopers were shot and killed by the Schutzstaffel (S.S.). Just prior to June 30, 1934, I had been loaned as aide-de-camp to the head of the Medical Division of the Storm Troopers (S.A.), named Ketterer. Ketterer was one of the very few who escaped the massacre because he still had the confidence of Hitler, and I was fortunate enough to be with him, and as a result thereof managed, also, to escape the massacre. During my association as an aide-de-camp to Ernest Roehm, I saw Adolf Hitler personally a number of times and shook hands with him.

"After June 30, 1934, conditions for the Storm Troopers of Roehm's Command changed entirely, nobody trusted us any more, and our uniform was spat on by people on the street. I personally recall one incident where at night in passing an S.S. man on a bicycle, he called me a traitor and

I shot him off the bicycle. Groups of S.S. members entered our homes and private rooms looking for photographs of Roehm, of which I myself had several, with personal inscriptions, and which were still hanging on my wall after he, Roehm, was killed. I was taken up for questioning to the S.S. I asked them what the reason was for intruding into my personal property. They asked me if I did not think what they did was right, and after I objected and complained about it, they told me that if I said another word in favor of Roehm, I would not leave the room alive, to which I answered that the man talking to me would not leave the room alive either, as I had my gun with me and I was sure that I was quicker than he.

"The attitude towards Roehm by the S.S. can be illustrated by the fact that after Roehm's body was buried in a cemetery, groups of S.S. men went to the cemetery and destroyed the markings on the grave. We old S. A. men were looked on as outsiders and traitors. When Roehm was still alive, he had given each old S. A. man, a dagger, on which he personally had his name engraved, and a few dedicatory words. An order was issued by Hitler that all these daggers had to be collected or the name of Roehm scratched off the dagger. We refused to do that.

"An inspection was ordered by the S.S. to search out every Storm Trooper who had one of these daggers with the name of Roehm still on it, but all of us who had these daggers still carried them as a symbol of defiance as well as in memory of Roehm.

"To show the attitude of our old S. A. men, I call

attention to the fact that many times when S. A. men came to their regular meeting, one or two of them would stand at attention and say 'Long Live Roehm', and shoot themselves in protest against the new regime. The S. A. Guard which was still residing at Roehm's old headquarters refused to take any orders from the New Chief of Staff Victor Lutze, who incidentally is still Chief of Staff of the S. A., and is hated by every S. A. man under him. Originally the Schutzstaffel under the command of Himmler was a part of the S. A., which was headed by Roehm, that is, Roehm was the boss of Himmler. After June 30, 1934, the Schutzstaffel was made independent and Himmler was put in charge of a new job as Chief of Police, and also Chief of the Gestapo. This was the beginning of the Gestapo. I am convinced that in order for Himmler to obtain the full power, Roehm had to disappear. Joseph Goebbels together with Goering, were also connected with Himmler in this plot. I have a lot of additional information concerning this plot, which if desired, can be furnished later.

"The new Chief of Staff Lutze brought all of his own staff with him to Munich, and I was transferred to Berlin at my own request. I left the S. A. and went into the Political Division of the Reichsleitung, which is the highest political division in the party.

"Through all this time, since the death of Ernest Roehm, there was an opposition growing stronger and stronger among the old S. A. men. Twelve per cent of the deaths among the old S. A. group were as a result of suicides because of

their discontent with the new regime and in desperation. Those of us who were the old S. A. members, realized that the aims of the Party were contrary to what the old Party had originally planned and, also against the original program which was written down in black and white in every member's party book.

"Numerous concentration camps began to spring up in a big way and were being filled with the old S. A. men. After June 30th, the Schutzstaffel got hold of the list of the old S. A. men and put them on their black list. At the same time the S. A. was cut down from twelve million to three million and the S. A. existed without any definite purpose. Hitler himself declared he had lost his confidence in the S. A. and made the statement that if he ever needed the S. A., he would look for them in the concentration camps. I realized like many of the other S. A. men that there was no further future for us in Germany. On the other hand, there was no chance to leave the party without being placed under suspicion and immediately arrested as not being trustworthy. I, therefore, began to form my plans to eventually escape from Germany.

"At this time I was living in the same house with a Miss Eva Chuetz and her mother. Miss Chuetz was an English girl born in Singapore. I believe she was half Jewish. She was secretary to the Chief of the Associated Press Bureau in Berlin. I think the name of the Chief was Louis P. Lockner. I used to go out frequently with Eva Chuetz and became very friendly with her. At one time I even considered marrying her. I gave her tips on certain coming

events in Germany, for instance the invasion of Austria. Sometime before Poland was invaded, I told Eva Chuetz and her mother to get out of Germany as quickly as possible, which advice Miss Chuetz followed. It was no secret in my office that war would start soon. I also discussed freely with Eva Chuetz and her mother, party conditions and conditions in general in Germany and told her she might use the information I gave her for the Associated Press. Before she left Germany, I asked her whether or not she could, or her friends, be of any help to me to escape from Germany. She tried but was of no help. I met Lockner, her boss, at a meeting of the Hochschule Fuer Politik, to which meeting I took Eva Chuetz. Since her departure from Germany I believe Eva Chuetz is residing in London and she can confirm the story that I tried to get her to help me escape from Germany.

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"My work in the particular division in which I was assigned in Berlin consisted of journalism and propaganda for internal consumption. In connection with this work, I attended the University of Berlin, taking courses in journalism and Geo-politics, where I obtained a diploma in July, 1939. My professor in Geo-politics was the well known Haushofer, Jr. Professor Haushofer took a fatherly interest in me, which resulted in my becoming very closely associated with him and his immediate associates. Professor Haushofer was very closely associated with Rudolph Hess and Adolf Hitler and is the man who outlined the borders of all the countries annexed by Germany. These borders were worked out by Haushofer after the start of the war in September, 1939. The basis on which they were worked was the number of Germans residing in the conquered territory. I personally saw Professor Haushofer working on this problem.

"One week after graduating from the University of Berlin, I married Bettina Luscher, who at that time was my secretary. She is presently residing in Wuersburg with my parents.

"I was assigned by Professor Haushofer to do confidential work in Czechoslovakia to report general conditions in Czechoslovakia and those included reporting the activities of the Nazi Party members and of the activities of the German people, Polish people, activities of the Gestapo, as well as other things that came to my attention. I submitted confidential reports of my observations in Czechoslovakia

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to Haushofer, who in turn submitted them to Rudolph Hess.

"On September 1, 1939, war broke out and I immediately applied to Haushofer for a chance and an opportunity of travelling to the United States, where I knew English propaganda was made against Germany, where I knew I would have a chance to carry out my old plan against the new regime in Germany. By this time it was not only the idea of getting away from Germany myself, but as previously stated, I had married and also wanted to get my wife away. I also had the idea that I could organize from the United States the old S.A. members who had fled from Germany and who were scattered all over the world, into a body which I believe would form volunteer corps to take active part in the fighting and direct propaganda and act as Fifth Column agents against the present German regime.

"Professor Haushofer got in touch with the Gestapo, which refused my wish because of my record as a member of the old S.A. Then in November of 1939 I went to Poland as a special reporter to observe general conditions in Poland, and also to observe the war activities of the Party Officials in Poland at that time. I was sent to Poland by the Political Division of the Reichsleitung. Based on my personal observations in Poland, I prepared a confidential report and sent one copy of it to the Political Division of the Reichsleitung and then another copy

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to Professor Haushofer, who was to turn it over to Rudolph Hess.

"In December, 1939, I returned to Berlin to visit my relatives during the Christmas holidays. Then in January, 1940, I sent my assistant to Poland for the same purpose and I followed him to Poland in February, 1940. I travelled about in Poland by automobile investigating conditions. I was equipped with identification cards to assist me in obtaining the necessary gasoline and facilitate my travel throughout Poland. I also had a certificate, showing that wherever I stopped, Party Officials at that point should follow any suggestions I offered. The second trip I made to Poland in February, 1940, I made by train and established my headquarters in Lipno. However, I travelled out of Lipno by automobile covering all of Poland in the vicinity of Lipno. As previously stated, my assistant had been sent by me from Berlin to Lipno in January of 1940 with instructions to prepare things for me at Lipno. On the 4th of March at Lipno, I was arrested by the Gestapo, at which time no explanation was offered to me as to why I was being arrested. I knew, however, what the trouble was because from the time of my arrival at Lipno in February, I had constantly had difficulties with the various Party Officials at Lipno, and it was necessary for me to telegraph the Gaulliter at Danzig that I had to see him right away and requested an interview with him.

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There being no other way of communicating with the Gaullier except through the Party Officials' office, I was forced to send this telegram through their office. Consequently they knew that I wanted to see the Gaullier to complain about them.

"The Gaullier's answer came back to the Party Officials' office at Lipno by telephone on the afternoon of the same day the telegram was sent, and that evening I was arrested by the Gestapo on the instigation of the Party Officials. I was held by the Gestapo for a period of seventeen months; for the first five weeks I was held in a prison at Graudentz, Poland, and then I was transferred to a prison in a cellar of the Gestapo headquarters in Berlin, Germany. I was held in Berlin for five or six weeks and then turned over to the Justice Department of the government, and the case that the Gestapo had built up against me was turned over to the Justice Department. One of the charges placed against me by the Gestapo was falsification of documents. As long as I was in the jail of the Justice Department on the request of the Gestapo, I was placed near the cells where prisoners were held who were about to be executed. The case against me was brought in Court four times but at each time the matter was delayed so that the case against me could be made stronger by the Gestapo.

"Finally the Justice Department dropped the charges against me and I was returned to the Gestapo. I was taken to the prison in the Police Praesidium, which is the building of the Central Police Headquarters

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in Berlin. The Gestapo also had offices in this building as well as a prison. This prison is not like a concentration camp where the inmates work. Here the prisoners are confined to their rooms and are only given exercise once each fourteen days for ten minute periods. The cells have no open windows and sixty people are crowded into one cell. I was kept in this prison for one year. During the entire seventeen months that I was confined I was visited by the Gestapo and on many occasions taken over to the Gestapo Headquarters for questioning. One month after my arrest in Lipno, Poland, my assistant was also arrested by the Gestapo and he was held for twenty months after which he was released and he entered the German Army and I believe he is now with the German Army in Russia.

"During the time of my confinement for seventeen months as I said before, the Gestapo visited me on a number of occasions when they tried to put pressure on me apparently for the purpose of having me dispose of myself. I later found out that the Gestapo visited my wife who was pregnant at the time and told her that because of stealing money that I would receive a sentence of eight years in a chain gang. As a result of this my wife had a miscarriage. The Gestapo also told her to get a divorce from me.

"On July 22, 1941, I was released and told by the Gestapo I had to report at the Army immediately. They also told me to put in an application of re-entry into the Nazi Party. Besides that I signed a declaration

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that I would not speak of any experiences I had or of any people I met while in the hands of the Gestapo.

"During the time that I was confined at the Police Praesidium in Berlin, I became acquainted with a great number of persons who had been prominent in their home country and in Germany and who for various reasons had offended the Nazi Party and had been placed in jail. Among these were an attache to the Polish Ambassador to Germany; a representative of the Chilean Government who had been sent to Germany to study road construction and who had been caught selling American dollars obtained from various diplomats in Germany to foreign people; a Turkish business man in Germany who had been arrested apparently in retaliation for the arrest of German Nationals in Turkey and also a citizen of San Domingo.

"I planned with Jose Mueller, the man from Chile, that if he and I ever escaped from the hands of the Nazis we would go to Chile and organize a propaganda bureau against the Nazi Government and attempt to show the world just what conditions really are in Germany. I also promised Mueller that if I was released or escaped before he that I would attempt to obtain money from his family who were also in Germany but not in jail and bribe the guards and obtain his, Mueller's, release.

"Also in the same cell in which I was kept, of which incidentally I was the commander, or the leader, there were a number of prominent Jewish prisoners as well as Catholic priests and many other nationalities who had come to Germany to work and who had been

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arrested by the Gestapo. Through my contacts with these people, I knew that they all had relatives back in their own countries who would only be too glad to assist anyone in directing propaganda against the Nazi Party.

"Among the prisoners in my cell was a man named Hamburger, who told me that if I could ever get a chance to get to New York, I should go see his uncle, a prominent attorney on Fifth Avenue, New York City, and his uncle would help me establish myself in a position where I could engage in active propaganda against the Nazi Government.

"I also met an ex-art dealer of France, by the name of George Hoffmann, who told me that if I ever got to New York, I should contact a certain oil man in New York City by the name of McKee or McGee. Hoffmann told me that McKee or McGee would be found in a Hotel Columbia on Fifth Avenue, where he resides permanently when in New York, but that he travelled considerably. He also told me that McKee or McGee was a relative of the French Navy Minister, Pietre. However, I have not since coming to New York, made any effort to contact these people.

"As previously stated, when I was released from jail on July 22, 1941, by the Gestapo, I was immediately ordered to report to the German Army in the district where I resided in Berlin. However, prior to reporting to the German Army I went to the Army Headquarters on the Tirpitz Ufer, and offered my services to the Intelligence Department of the German Army in any

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capacity in the United States, my idea was to be sent over to the United States so that I could get out of Germany.

"The Intelligence Department of the German Army would not give me any assurance at this time that they would accept my services and I was ordered into an Infantry Company and sent to a prisoner of war camp outside of Berlin, where I did guard duty over Yugoslavian and English prisoners. The captain of the company that I was assigned to, knew the details of my case from the Gestapo reports and told me frankly I would never have any chance for promotion in the ranks of the Army. I might mention here that when I was arrested, I was immediately dismissed from the ranks of the Party. I received a letter informing me of this, but nevertheless, Gestapo officials made me fill out a written protest against my discharge from the Nazi Party. The effect of this protest was to retain my membership in the Nazi Party. The reason for this was that the Gestapo could always maintain party discipline control over me for all the future, once the protest was made.

"The information that I received from the Captain, advising me that I would never be able to re-establish myself in the ranks of the Nazi Party, strengthened my resolve to escape from the country. However, it would not have made any change even though I subsequently would have been reinstated in the Party because in the meantime, the old Party had so changed that it bore no resemblance to the Party I had originally joined.

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"With the declaration of the war between Germany and the United States, a factor arose which further strengthened my resolve to leave Germany. I, being a citizen of the United States, felt that my duty was to the United States. I told my wife of this and she agreed with me and said she would leave Germany with me.

"I remained in the Army as a guard at the prisoner of war camp and in February, 1942, I received a personal letter from the German Army High Command instructing me that I should report at the Tirpitz Ufer in Berlin. The next day I went to Berlin and reported at a certain room number where I received information that my wish to go to the United States would probably be granted. They asked me if I was still willing to go to the United States. I replied that I was. At the same time they called my captain at the camp on the telephone and questioned him about my character and behavior while in his command. The captain told them that he had nothing against my character as a soldier but he felt that he must inform the High Command that the Gestapo had a case against me and had me under observation. The party that was interviewing me told the Captain that he knew that. I was then sent back to the camp. About the 5th of April, 1942, I received an order to turn in my uniform and report in civilian clothes at a special school near Brandenburg. No information was furnished to me as to what I was to study at the school.

"I arrived on Saturday, April 11, 1942, at a

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farm near Brandenburg, which is a town located about two hours distance from Berlin. This estate is located in a thickly wooded section, outside the town of Brandenburg, and in general appearance looks very much like a country farm of a wealthy person. It is situated on a lake, the name of which I do not know. The estate consists of a main house and several outlying buildings and a gymnasium, laboratory, one classroom, garage, two outdoor shooting ranges, one for pistol and one for rifle, a small tower for conducting experiments.

"I introduced myself to the housemaster and showed him a letter of introduction which I brought with me. I learned I was the last man to arrive in the particular class, which had not started yet, and that I was expected. I was then shown my quarters where I would sleep while I remained at the estate and introduced to a group of men whom I was told would be my companions while I was at the estate and that I should get acquainted with them.

"Upon leaving Berlin, I was instructed to report in Brandenburg to the Army Station. Upon arriving at the Army Station, I was told to move on to the Quentz Estate and instructed to take a bus outside of Brandenburg to the end of the line, after which I would have to walk about ten minutes before arriving at the estate. I was told that it would be the only place in the vicinity and there was no chance to miss it.

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"As previously stated, after my arrival I was introduced to ten men who would be my companions. I do not remember the name of the housemaster at present.

"The first person who introduced himself to me upon my arrival called himself Bill, and told me that he knew me from Detroit where he had met me at the Kolping House in 1929. I did not recognize him right away. I subsequently learned that Bill's last name was Thomas. Later, realizing that everybody with the exception of myself was using a fictitious name, I made it my business to find out the real names of the men and I discovered that Bill Thomas' real name is Werner Thiel or Thiele. He worked as a tool and die maker and at one time lived at Hammond, Indiana and stated that he was a member of the German-American Bund. He left the United States with George Dasch on the same boat and distrusted George. In fact, he organized opposition to George when going from San Francisco to Yokohama. That was at the time when the F.B.I. controlled passengers leaving on boats to Japan.

"The second man who stepped up to me and introduced himself as George John Davis told me right away that I would belong to his group. He explained to me that we were to study certain things at the school, at which time he invited me to take a walk with him out on the estate. George then told me 11 men attended the school on this estate, from which the 9 best would be selected to go to the United States and I should

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study hard and outstrip the others because there were two men in the class who were older and George did not like them and did not trust them. George then explained to me that at the end of the course which we were to follow we would have been thoroughly trained in the work of sabotaging American industries and that we would be sent to the United States by submarine in two groups, one of four and one of five men. George stated that the party of which he would be the leader would consist of five men. He also stated we would land on the eastern coast of the United States at a spot to be selected later. He then asked me if I still wanted to go ahead and stay at the school and I told him that I did.

"Upon returning to the house, I told George that I had been in trouble with the Gestapo and George said he knew about this and he would talk to me later on about this. During the early evening I became acquainted with the other men. I later found out that George John Davis' real name was George John Dasch.

"I then became acquainted with the other men, who were Herman Neubauer, whose false name I do not recall at the present time. Neubauer had just come back from the Army Hospital near Vienna. Neubauer was in the German Army in Russia and he was wounded there and was sent to an Army Hospital in Vienna. Neubauer had two scars on his head; one large scar located near the front of his ear, but I do not remember on which side of his head. He also had a scar which was not

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noticeable on his skull. Neubauer told me that he was married and his wife was probably in Berlin. Later I met his wife in Berlin. She talked perfect English but I am unable to state whether she ever lived in the United States, although I believe she did.

"I next met a small sized fellow, about 45 years of age, whom I knew by the name of Scotty because he looked like a Scotchman and acted like one. He was not trusted by anyone and came from Hamburg where he lost his money through women. Later on in the course Scotty dropped out and I believe that he was sent back to Hamburg. I never learned his real name.

"The next man that I met was Ernest Zuber, which is his real name. I don't recall his false name. He had been a subordinate officer in the German Army, fighting in Russia where he had had a nervous breakdown. Zuber finished the course, but at the end upon his own request was sent back to the Russian front. Zuber told me during the course that he had been deported from New York City because of his activities in connection with the German-American Bund. He also told me that his activities had taken place in New York. He told me that his activities in connection with the Bund had consisted of distributing literature and propaganda throughout New York City. Zuber shared a room with me at the school for the first two nights and during this time told me he did not believe he would be able to go through with the course because of his nervous condition. I told him he should go to the

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head of the school, who in the meantime had arrived and whose name was Walter Kappe. I learned that Kappe was a former editor of a German language newspaper in New York City, probably a newspaper of the German-American Bund. Kappe says he is well known in New York and told everyone of us never to mention his name when we arrived in America.

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"The first time I ever went to Tirpitz Ufer I was interviewed by two high officials who subsequently turned me over to Kappe because he was head of the espionage and sabotage activities for the entire United States for the German Army. I learned that Kappe selected the men to go to the United States for espionage and sabotage purposes for the German Army. He would also conduct the various groups going to the United States to whatever point they departed from for the United States, in order to give them last minute instructions. Kappe accompanied my group to Lorient, France, and distributed the money to us. Kappe told us that later he, personally, would come to the United States, when our organization is established here. His headquarters were to be in Chicago.

"Kappe told me, because I asked him, that Reinhold Barth was his righthand man and would precede him to the United States to take charge of all the groups which were sent to the United States. Barth, according to my information, will come to the United States and establish headquarters at Chicago. Later in this statement I will refer again to Barth in greater detail.

"Getting back to Zuber, I learned from Zuber that he, Zuber, had known Kappe in the United States and as previously stated, I suggested that Zuber go to Kappe and advise him of the fact that he would not be able to continue the course. Zuber did this and Kappe suggested that he finish the course and decide at the end of the course whether he should drop out or continue with the work. At the end of the course Zuber did drop out and

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was sent back to the Russian front.

"The next person I met was Eddie Kelley, whose real name is Kerling. He was the leader of the second group. I learned that his wife resides in New York, and that he himself is an old party member of the German-American Bund in New York City. Although I do not know how and when Kelley left the United States, he had in his possession a medal given him by the party in Germany for having a long membership in the party. Kelley's party number was below 100,000, which indicates that he was one of the original party members when the National Socialist Party was formed. Kelley was not a member of the S.A. or ever fought for the party.

"The next man I met was Herbert Haupt. He was what you would call the life of the party and the youngest one of the party, and he played a few instruments. He had returned to Germany in March, 1942. He made his way together with Jerry Swensen, of whom I will speak later, through Mexico to Yokohama, Japan, on a German freighter running the blockade, and I believe the route followed was from Japan down around South Africa and then to Germany. Haupt had received a medal from the German Government for breaking the blockade and also the Iron Cross, 2nd class. The Iron Cross and blockade medal were given to Haupt because he had been vigilant in spotting an enemy ship and in running the blockade in returning to Germany. Herbert Haupt is his real name as far as I know. He told me that his father is president of Deutscher Tag Society in Chicago, which means the German Day. I think

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his parents are still living in Chicago and he stated that his parents did not know he had left for Germany. They think he is still in Mexico. He further stated that after his return to the United States he would not get in touch with his parents. Haupt speaks the best English of any of the first or second group. He told me he went to high school in Chicago and also studied to be an optician in Chicago, the course having taken four years. I noticed that Haupt wears a large rectangular silver ring about one inch long, bearing the Mexican eagle coat of arms on his left hand. This ring can be opened and it makes him very conspicuous.

"I would like to add that I consider Haupt very dangerous. He was formerly a wrestler and a boxer and he is extraordinary strong. I consider Haupt to be very cunning but not intelligent. He is extremely interested in money. Haupt is also a very free spender and can undoubtedly be found among the cafes and night clubs in whatever city he may be located. Haupt while we were in Paris enroute to Lorient caused considerable trouble at a hotel where we stayed when he refused to pay a French prostitute for her services.

"I found out that the real name of Jerry Swensen, who came to Germany with Herbert Haupt on the same blockade breaker, was Paul Schmidt. I learned from Swensen that he had spent many years as a woodsman and trapper in the northern part of the Province of Alberta, Canada. Shortly after Germany declared war against England in September, 1939, Swensen's farm in Canada was confiscated

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and he escaped to Mexico. Swensen stated he had never before been in the United States but somehow or other he made his way through the United States to some place in Mexico where he met Herbert Haupt. It is possible that Swensen and Haupt were assisted in travelling back to Germany by some German Consulate in Mexico.

"In my opinion Walter Kappe had the most confidence in Swensen because Swensen was cool and deliberate. He was not easily excited; he was an excellent shot with a pistol and very probably with a rifle. I consider him to be the most dangerous man in both groups. He is big, strong and self-reliant. He does not talk very much and does not associate readily with people. He keeps more to himself. From Swensen's statement I gathered he was a man without a country and on one occasion he related how he made money by selling wood alcohol to the Indians in Canada. Swensen also on one occasion requested permission to be sent to Canada to start forest fires but this permission was refused him. As far as I know, Swensen does not have any dependents. I consider Swensen to be a very intelligent individual and a very dangerous one. He has a hot temper and easily flies off the handle if contradicted. He likes to be right in everything he does and he does not engage in conversation unless he is the center of attraction. I believe that when Swensen comes to the United States, if he is made a group leader and has charge of the money, that he will take the money and immediately abandon the group and hide out. Swensen travelled with us to Lorient, France and just before the

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time for the departure of our group arrived and on the day of our departure, he stated that he was infected with a venereal disease and he told Kappe he did not want to go along, and he went away to a doctor. To me, it seemed that Swensen did not want to go with our group and he dropped out. I feel that one reason why Swensen dropped out was that he saw he could not be the leader of our group. He tried pretty hard to become the leader of our group and he tried to agitate the other members of the group against George Dasch. He also tried to make George and myself suspicious to Kappe. It is my belief that Swensen means to return to the school and obtain the leadership in another group which he will bring to the United States later.

"The next man I met was Henry Kaynard, whose real name I learned was Heinrich Heinck, who came to the East Coast of the United States with me with our group. Heinck, I learned, came from a section of New York City called the Bronx. He was the slowest witted member of our class. In New York City, he was a leader in the O.D., or in other words, a special guard in the Bund. Heinck is married and has a wife and child in Germany. I believe that Heinck returned to Germany either shortly before or shortly after war broke out in 1939. I don't recall the means he took to return to Germany. I do know, however, that he did not return to Germany by the way of Yokohama, Japan. Heinck was employed in a defense plant as a mechanical worker in a plant near Braunschweig. At one time Heinck was a sailor, I believe on a tanker, but I

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do not know what flag this ship flew. Heinck was the only one of our group coming across in the submarine who did not get sick. Heinck was picked to attend this school by Kappe. I think it is possible that Heinck knew Kappe when both were in New York City.

"Heinck was born in Hamburg, Germany and came to the United States around 1925. He told me that when he got to the United States he would have to avoid the Bronx section of New York City because he was very well known there. I don't believe that during the time he was in the United States he had ever been to any other section of the country outside New York City, except Long Island, where he occasionally went fishing. Heinck appeared to me to be constantly under the state of fear throughout our entire trip to the United States and after our arrival here was very apprehensive that he would be caught upon his arrival in the United States. I believe that if Heinck were confronted with the facts in connection with this matter he would readily admit his entire participation.

"One thing I know about Heinck is that when he once learns something it sticks with him and he should have very well fixed in his mind the details concerning the formulas for manufacturing explosives which he learned at the school. It would have been impossible for Heinck to have worked without the assistance of Richard Quintas. As an example of his utter dependence on other members of the group, it was necessary for me to go with Heinck to assist him in buying a suit of clothes, as he was

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incapable of making his own selection.

"The last man of this group besides myself was Richard Quintas. He comes from a good German family who reside somewhere in the vicinity of Berlin. His father, I believe, was an officer in the German Army. His real name is Richard Quirien. He is married and has a wife and child located somewhere in the southern part of Germany. His mother is living in Berlin and I believe his father is now dead. I believe Quintas resided in the United States all together about 15 years, during which time he was engaged in the occupation of a tool maker, house painter and also as a domestic in New York City. He was a member of the Bund, I believe the Brooklyn Unit, where he was also a leader of the O.D. I do not know just when Quintas returned to Germany from the United States. However, I know that he worked in the same defense plant that Heinck was employed at in Germany and was picked by Kappe to attend the school.

"Quintas is very intelligent. He reacts quickly but he does not carefully think through his actions. He is not an organizer. He is audacious, fanatically German and loyal to the party to the highest degree and qualified to do anything demanded of him in this type of work. He always appeared to be afraid of Heinck. He always feared that Heinck might talk if arrested or if he drank too much. On one occasion in Paris, Heinck drank a bit too much and openly mentioned that he was a German Secret Agent. Quintas knew of this incident and he was always afraid that Heinck might talk. Quintas has great self-

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control and knows how to regulate himself when drinking. The only time he loses his self-control is when he becomes involved with women or in cross questioning, which might confuse him.

"None of the members of the entire group of men that I have just mentioned were American citizens.

"The following are descriptions furnished by me of the above mentioned men. These descriptions were obtained by me as a result of personal observation and conversations I had with these men:

"Name	Werner Thiel, with aliases Werner Thiele, Bill Thomas
"Age	35
"Height	5' 6"
"Build	Stocky. Formerly very fleshy; recently lost considerable weight.
"Eyes	Dark brown
"Hair	Dark brown or black, coarse and straight, heavily coated with oil.
"Skin	Deeply tanned. Combination of hair and deeply tanned skin gives Thiel an appearance of an American Indian.
"Features	Fleshy nose, medium eyebrows, square jaw, dimple on chin.
"Voice	Coarse and deep; speaks in slow monotone, and gives impression of having difficulty in deciding what he wishes to say.

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"Peculiarities	Avoids looking at person with whom he is in conversation. Shabby dresser.
"Occupation	Tool and die maker.
"Clothes furnished to wear on arrival in U. S.	Double breasted dark gray or black suit, very soiled; black shoes.
"Name	Hermann Neubauer, alias Nicklas(?)
"Age	31-32
"Height	5' 10"
"Weight	165-170 lbs.
"Build	Slender
"Complexion	Yellowish, tan
"Features	Round face on long neck; bullet head; ears protruding; scar on left side of face in front of ear about 1 or 1½" long; wrinkled forehead and high arched eyebrows; small black mustache.
"Hair	Black, plastered close to head; always wears a hat pulled down on eyes exactly straight.
"Eyes	Dark brown, no expression.
"Dress	Good
"Walk	Erect; appears to be typical gangster type.
"Peculiarities	On left hand wears reddish gold ring of school type with bluish stone, well worn; heavy cigar smoker.

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"Occupation Cook

"Clothing furnished
to wear on arrival
in U. S.

Dark blue striped suit; light
gray hat; black shoes; black
silk socks; chain tie clasp.

"Name Scottie

"Age 45

"Height 5' 2-3"

"Weight 125 lbs.

"Build Slender

"Complexion Pale; freckles.

"Hair Reddish brown, thin, straight, parted
on left side and combed high in front.

"Features Very small turned up nose; heavy red-
dish eyebrows; face heavily lined;
pointed jaw; large ears; freckles;
smooth shaven.

"Eyes Bluish gray.

"Teeth Tobacco stained.

"Speech Speaks English with decided German
accent.

"Peculiarities Hands are freckled and covered with
reddish hair; fingers are claw-like.

"Occupation Salesman.

"Dress Shabby dresser.

11w

"Name	Ernest Zuber
"Age	35
"Height	5' 8"
"Weight	160 - 170 lbs.
"Build	Medium
"Hair	Black, parted on left side, straight.
"Eyes	Dark brown.
"Complexion	Heavily tanned, except for upper portion of forehead where Army cap fitted.
"Features	Round face; high forehead; straight nose; square jaw; thin lips; thin, bony ears close to head; smooth shaven - heavy beard.
"Teeth	Fair condition, white.
"Hands	Bony, covered with black hair.
"Voice	Speaks in slow hesitant voice; unable to express himself clearly; speaks English with decided German accent.
"Peculiarities	Avoids gazing at person to whom he is speaking.
"Occupation	Cook and soldier in German Army.

"Name	Kerling, alias Eddie Kelly
"Age	33-34
"Height	5' 7"
"Weight	165 - 175 lbs.
"Build	Slender
"Hair	Medium brown, wavy, parted in middle
"Eyes	Gray
"Features	High forehead; small nose; puffy cheeks; straight mouth; heavy jaw;

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Barber
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believed to have dimple on chin;
small ears set close to head; dark
heavy eyebrows; smooth shaven, light
beard.

"Teeth Fair condition, white.

"Speech Speaks very fast, with slight German
accent.

"Walk Erect.

"Peculiarities Always smiling.

"Occupation Laborer's helper; was employed by
Propaganda Division of the Foreign
Office of the Nazi Party (A.O.)

"Clothing furnished
to wear on arrival
in U. S. Medium brown gabardine suit; no hat;
dark brown shoes; and collar pin to
hold shirt front together.

"Name Herbert Haupt

"Age 22 - 23

"Height 5' 10 - 11"

"Weight 190 - 200 lbs.

"Build Very athletic and muscular, broad
shouldered.

"Hair Black, wavy, on which he uses smelly
brilliantine.

"Complexion Tan

"Features Has small head for size of body;
Greek classical features; high fore-
head, heavy black eyebrows; straight
nose; square jaw.

13w

"Eyes	Greenish gray.
"Speech	Typically American, no trace of accent; uses considerable American slang.
"Beard	Light, smooth shaven.
"Teeth	Two long prominent teeth in right and left side of upper jaw.
"Peculiarities	Has peculiar habit of thrusting lower jaw forward when he breathes, especially when under excitement, at which time he also has habit of drawing lips back over teeth; has flat feet, walks with feet thrust out; wears a very prominent heavy silver rectangular ring about 1" long on left hand. This ring has a large inscription of a Mexican eagle on it and it is believed this ring can be opened.
"Education	Attended public school and high school in Chicago, Illinois; although he is believed to have been born in Germany and came to the United States when about 2 years of age. It is known Haupt's father presently resides in Chicago and is president of the DeutscherTag Society.
"Remarks	Haupt plays the piano and concertina well, and loves to sing. He is a typical playboy type and big spender.

14w

"Occupation Optician.

"Clothing furnished
to wear on arrival
in U. S.

Flashy checkered light green gray conspicuously patterned coat and dark brown sport shirt open at throat in form of 'V' of silk or rayon material, with loops instead of button holes to hold the shirt closed, extending half way down the front of the shirt; dark brown gabardine trousers; brown shoes.

"Name Jerry Swensen

"Age 33-34

"Height 6' 1-2"

"Weight 200 lbs.

"Build Medium.

"Hair Dark blond, straight, parted on left side.

"Eyes Blue

"Features Broad receding forehead; normal eye - brows; long, narrow slightly humped nose; thin lips; thin firm chin.

"Complexion Ruddy

"Teeth Tobacco stained

"Beard Light, smooth shaven.

"Speech Speaks English with high pitched voice and Swedish accent. Face flushes when he laughs. Frequently interrupts his conversations with a peculiar laugh.

15w

"Hands Big strong hands covered with freckles. Has been known to do tricks of bending metal with his hands.

"Occupation Farmer, hunter and trapper. Formerly resided in Province of Alberta, Canada.

"Peculiarities Is a good shot; quiet, reticent type.

"Clothing furnished to wear on arrival in U. S. Gray Stetson hat; big size, wide brim; Dark, faded blue double breasted suit; blue striped silk tie held to the shirt by a chain clasp and extremely yellow shoes, large size.

"Name Heinrich Heinck, alias Henry Kaynard

"Age 32 - 33

"Height 5' 9-10"

"Weight 160 - 170 lbs.

"Build Stocky

"Hair Very thin, brown, parted on left side.

"Eyes Gray

"Features High forehead; normal eyebrows; nose, straight; medium full lips; round face.

"Speech Clipped sentences; low voice; decided German accent; knowledge of English limited.

"Teeth Fair.

"Scars or Marks Peculiarly shaped cross scar on forehead.

"Peculiarities Is slow moving phlegmatic type; gives impression he is not sure of himself.

16w

"Occupation Mechanic and electrician.

"Clothing furnished
to wear on arrival
in U. S. Green gray striped double breasted
suit; gray soiled hat and brown shoes.

"Name Richard Quirien, alias Richard Quintas

"Age 34

"Height 5' 10-11"

"Weight 152- 153 lbs.

"Build Slender

"Hair Gray, curly

"Eyes Green

"Features High forehead; bent protruding fleshy
nose; sensuous lips; large protruding
ears.

"Teeth Fair.

"Peculiarities Has habit when not talking of keeping
lips apart; walks with a noticeable
forward slouch.

"Occupation Tool and die maker, painter and
domestic.

"Clothing furnished
to wear on arrival
in U. S. Dark brown gabardine suit and low
brown shoes. In connection with the
brown suit worn by Quintas, I have
been shown a brown vest by Special
Agent in Charge T. J. Donegan, which
I have identified as belonging to the
suit worn by Quintas upon his arrival
in the U. S.

Cinci
fis
Wilfong
2:40 pm

"Name	GEORGE DASCH, alias George John Davis
Age	45
Height	5' 5"
Weight	150 lbs.
Build	slender
Hair	Black, sprinkled with gray; wavy; parted on left side
Eyes	Dark brown or black
Features	High forehead; hook nose; thin lips; normal ears; face long and thin; features thin and well defined
Teeth	Upper jaw, false plate except for one tooth on each side, stained. Teeth in lower jaw normal.
Peculiarities	Abnormally long arms; customarily keeps one hand in pocket or has a newspaper in it. Usually wears hat worn low on forehead.
Occupation	Salesman.
Clothing worn upon arrival in U. S.	Dark brown felt hat; dark brown coat; grayish slacks with square pattern; dark brown shoes.

"Resuming my story, it goes as follows:

"After having met the above mentioned men, we were given our first meal at the school. We were placed at four tables and general conversation took place but none touching the matter we were there for. The evening went on and after that we took a walk to a small country place nearby, a tavern. Much to my surprise on the way to the tavern, the members of the groups, sang numerous American slang song in English and conducted much of their conversation in English. It appeared as though they were making no effort whatever to hide the identity of the school.

2b

"On Sunday nothing of any interest transpired and we mingled among ourselves engaging in general conversation and reading American newspapers and magazines which the school had. A number were dated as late as February, 1942. Among these newspapers were several copies of the New York Times and among the magazines were Colliers, Life and Saturday Evening Post. These were all stamped with the mark stating "Property of the Oberkommando der Wehrmacht, to return". By way of explanation Oberkommando der Wehrmacht, means German High Command. I might also add at this point we got later editions of these papers and magazines, indicating there are some means by which this material is being sent into Germany.

"After Monday morning exercise, one of our group who had been appointed on Sunday as the man on duty, was told to order the group into the classroom where we immediately assembled. Kappe, whom I previously mentioned, was there and explained to us that now the course would begin, the teachers would arrive at 10:00 o'clock and that we should do our utmost to keep up in our studies in order to finish the course as quickly as possible. Kappe told us on the last day of our course we would be told when and where we would use the knowledge we had learned during the course. Kappe stressed the fact that everything must be carried on in great secrecy and even our families should not be told what we were going to do. We were told we would not be able to leave the estate, or send any mail, or receive any mail. Kappe also told us that two of the men who were to be our teachers, were experts in their line.

"Also at this time four men, whose names were not told to us, came into the classroom and I subsequently learned that these men were German officers who were attending the classes as observers, so that immediately after finishing the course, could conduct similar schools in other parts of Germany.

"Shortly after 10:00 o'clock two teachers arrived, accompanied by an elderly man who it later developed was to be used as an assistant in the laboratory. These teachers were introduced as Dr. Walter Schultze and Dr. Helmuth Koenig. I am not definitely sure of Koenig's first name. I found out later they came from the scientific department of the High Command and were the ones who designed the equipment which we brought with us to America. I learned later they also devised the formulas which we were later taught, and which I will explain in detail later in this statement. With the exception of an instructor who came on the last day and gave us information about secret writing, Schultze and Koenig were the only two instructors we had on the entire course. Immediately after the arrival of Schultze and Koenig, our instructions began and throughout the entire course Schultze and Koenig alternated instructing the class an hour at a time.

"The first lecture dealt with general chemistry and was given as an introduction into chemistry and as a necessary background for the men in the group who were not familiar with chemicals. Each man taking the course was required to take notes of the lectures and at the end of the course these notes were gathered up by Dr. Koenig and

destroyed.

"After the lecture on chemistry, we were given the following outline of the courses we would follow, during the time we attended the school:

- "1. General Chemistry.
- "2. Light burning mixtures.
- "3. Ignition therefor.
- "4. Hard burning mixtures.
- "5. Ignition therefor.
- "6. Explosives.
- "7. Primers.
- "8. Fuses.
- "9. Time devices and electrical devices.
- "10. Personal history and background to be used to cover our future activities.
- "11. How and where to use knowledge gained.
- "12. Secret writing.
- "13. Inspection of industrial plants, canal locks and railroads.

"In connection with the light burning substances, the course of lectures consisted of instructing us in the names of various substances, which could be openly purchased at any drug store without creating any suspicion.

"We were instructed that the following mixtures properly mixed, would form light burning substances. In this connection I am certain that the following mixtures are correct as to substance but I do not recollect at the present time the proper proportion in which they are to be mixed. There are four formulas as follows:

5b

"Formula No. 1 consists of a mixture of 90 parts of saltpeter (calium saltpeter), 20 parts sulphur and 10 parts flour.

"Formula 2 consists of 100 parts of Chile saltpeter. The other constituent of this formula I have at the present time forgotten, but I believe it is powdered sugar. This formula consists of only two parts.

"Formula No. 3 consists of 200 parts of Chile saltpeter and 100 parts sawdust.

"Formula No. 4 consists of saltpeter (calium saltpeter), water and sawdust. I do not recall at this time the amounts of each item necessary to prepare this mixture.

"In connection with igniting the light burning mixtures, we were instructed in the use of two types of ignition. They are:

"3 Parts calium chlorate, 1 part powdered sugar and this will ignite when placed in contact with one drop of sulphuric acid.

"The second type of ignition used I am not certain about. I believe it consists of calium permanganate and aluminum powder which has to be ignited by a fuse or some other device. This substance will not react to sulphuric acid.

"With respect to the hard burning substances, there are three which are as follows: I don't recall the correct proportions which are used to compound this formula.

"Formula #1 - caput mortuum
aluminum powder

"Formula #2 - mixture of iron cinders
aluminum powder. I also fail to recall
the proper proportions to compound this

mixture.

"Formula #3 - plaster Paris
aluminum powder. As in the above two
formulas, I also do not recall the proper
proportion for compounding this mixture.

"In contrast to the light burning mixtures which can be lit by a fuse or a match, the above three mixtures cannot be lit by a match or fuse alone. There has to be a medium placed between the fuse and the mixture which consists of one of the two ignition means, both of which I have already given, although I am only sure of one.

"I am unable at this time to recall any exact information concerning the instructions we received regarding explosives. I would prefer to furnish this information later, after I have had more time to recollect, or until the paper bearing the formulas which I know I lost at a certain spot near where I landed at Amagansett, is found.

"We were next instructed in the preparation of one kind of primer filling which was to be used after we had exhausted the supply of primers which we were to be furnished with. I recall we were instructed to construct a paper cylinder the size of a pencil and close one end. Into the other end was to be inserted the filling which consisted of a very dangerous explosive, the formula for which I cannot remember, although it is written down on the paper which I have previously mentioned as being lost. After the powder has been inserted into the end of the cylinder, the fuse is to be inserted. I recall that it takes several days to load this cylinder due to the filtering process through which this powder must go. As previously stated, this is

the only primer we were to use.

"With respect to fuses we were taught there are two kinds; first, the standard type or slow burning fuse, and secondly, a detonating fuse. We were taught to build the slow burning fuse. However, we were taught at the school that it would be very easy to purchase slowing burning fuses where we were going. We were taught that this could be constructed of paper in cylindrical form, this paper having previously been impregnated with water glass and the cylinder then filled with a dark colored powdery substance, the formula of which I do not recall. I think that this latter substance may have consisted of calium permanganate, a little oil and a third element, the name of which I cannot recall. The practice fuses we made were very short. I wish to point, however, that we were taught never to use fuses unless absolutely necessary, electrical devices being much safer and giving greater protection and period of time to the user.

"The next topic we studied was time devices. The course in time devices was conducted under two headings:

- "1. electrical devices.
- "2. mechanical devices.

"With respect to mechanical devices, the following are the methods in which we were instructed of constructing different types of timing devices:

"Mechanical Device #1.

"A glass test tube about one-half filled with ordinary green peas over which water is poured and on top of which

a loose cork disc is placed having one electrical contact extending out of the neck of the test tube. In the top of the tube is tightly inserted a cork, on one side of which is cut a channel through which the wire attached to the floating cork can pass loosely. Through the center of the tightly fastened cork is placed a brass screw. To the top of this brass screw is attached an electrical connection. The electrical connection to the floating cork is attached to the floating cork by a small brass screw located in the center of the floating cork. The expansion of the peas caused by the soaking in the water gradually forces the loose cork upward until contact is made between the screw in the loose cork and the screw extending downward through the cork in the neck of the test tube, thereby establishing contact.

"The size of the test tube, the number of peas and the distance between the two brass screws, decide the time required to establish the contact. We are instructed before using this device to experiment with it so that we would know the exact time required to make it effective. I have made a drawing of this device which I have designated as Drawing No. 1, which I wish to have made a part of this statement.

"Mechanical Device #2.

"An ordinary tin can through the bottom of which a small pin hole is punched to permit the exit of water in the form of drops. The size of the hole controls the amount of time required to establish the contact in this device. Across the top of the open end of the can is stretched

uninsulated wire with a small loop in it. From this wire extends an electrical contact. The can is then partially filled with water and a cork is floated on the water from the top of which extending upward is an insulated wire, the end of which extends above the top level of the can. The distance that this insulated wire extends above the top of the can also aids in controlling the amount of time necessary to make the contact. Attached to the top of this insulated wire is another electrical connection of soft wire. As the water slowly recedes in the can, the cork sinks downward until the electrical connection on top of the insulated wire makes contact with the electrical connection passed across the top of the can.,

"I have also made a drawing of this device, designated as Drawing No. 2, which I also wish to be made a part of this statement.

"Mechanical Device #3.

"This is designed to start fires and is used to ignite calcium chlorate and a powdered sugar mixture, which in turn will ignite any light or hard burning mixture. This device consists of an ordinary small medicine bottle about one-half full of sulphuric acid. In actual use the bottle has to be turned upside down. Over the neck of the bottle is placed a thin layer of ordinary paper, securely fastened into place by a paraffin insulation around the edges. The center portion of this paper has no paraffin. Common typewriting paper will give a timing of four to six hours, a postal card will give a timing of ten to twelve hours, and a playing card

will give up to twenty-four hours timing. When the bottle is inverted, the sulphuric acid eats through the paper and causes the calium chlorate to ignite. It is noted that calium chlorate is the only mixture on which sulphuric acid will react, causing a flame. In using this device a paper bag is placed over the neck of the bottle, the opening of the paper bag being tied tightly around the bottle. Inside the bag is placed the mixture of calium chlorate and powdered sugar. The bottle is then inverted so that the bottom of it extends up from the mouth of the paper bag and the paper bag with the mixture of calium chlorate and powdered sugar is partially buried in either the light or hard burning mixture."

The Attorney General. I thought the Commission might be interested in having the drawings (handing drawings to the Commission).

Colonel Munson(reading):

"I have made a drawing of this device which I have numbered Drawing No. 3 and which I wish to include as a part of this statement.

"Mechanical Device #4.

"This consists of a small open container of water, into which is suspended an ordinary key ring, the prongs of which are held apart by a piece of rock salt which is immersed in water. Above the surface of the water attached to both sides of the key ring prongs, secured around an insulated section, are two electrical connections. When the salt melts, the key ring acts as a spring and snaps

together, completing the electrical circuit.

"I have made a drawing of this device which I have numbered Drawing No. 4, which I desire to be a part of this statement.

"Mechanical Device No. 5 consists of a small box, preferably about the size of a penny box of safety matches, into which is placed crosswise an ordinary razor blade bent in a slightly concave position. Against this blade is placed a stick of hard rubber which has been previously soaked overnight in gasoline. Attached to the razor blade is an electrical wire leading in from the outside of the box. Inserted in the opposite end of the box from the razor blade is another electrical connection. As the hard rubber stick contracts, due to the evaporation of the gasoline, electrical contact is made due to the straightening out of the razor blade. In actual practice, we were told that this device is not as satisfactory as those that I have previously described. I have made a drawing, which I have numbered 5, of this device, and which I desire to be made a part of this statement.

"The next mechanical device in which we were instructed consists of an ordinary pocket watch of cheap construction with a face of celluloid or some unbreakable substance. On the face of the crystal, generally opposite 6:00 o'clock, a small hole is drilled into which is inserted a metal screw to which is attached an electrical wire. Another electrical wire is then attached to the main stem of the watch. The watch can then be set for the number of hours desired to

time the explosion, and, when the hand on the watch moves around, it contacts the screw coming through the crystal of the watch, and the complete circuit is made. To illustrate this, I have prepared a drawing, No. 6, which I desire to be made a part of this statement.

"A contact device in which we were instructed consists of a round flexible rubber ring about three-fourths of an inch wide over and under which are placed two metal plates to each of which is soldered an electrical wire. Between the plates and inside the ring is placed an ordinary metal thumbtack so that when any person or any object depresses the top plate resting on the rubber ring, contact is immediately established. This device is constructed on the same principle of some land mines. We were told that this device could be placed in varying sizes under rugs or in a door jam, and also that it would be very effective in elevator shafts. I have prepared drawing, No. 7, of this device, which I desire to be made a part of this statement.

"Another contact electrical device, in the manufacture of which we were instructed, consists of a double strand of wire, the end of each strand being skinned and one strand longer than the other. The longest strand is then twisted around the bare end of the shorter strand in spiral fashion in such a manner that neither of the wires touch. Where the insulation ends on the wires, a coating of sealing wax is placed to hold the wires apart. After the wires are arranged as above described, the exposed end is then dipped in a mixture of resin and paraffin, which

effectively insulates the two wires and holds them apart. This device can then be placed on a railroad track with wires running to the explosive, and the pressure of a locomotive wheel passing over the head of this device will grind away the coating of resin and paraffin and cause the contact between the two wires to be established. I have made a drawing, No. 8 of this device, which I wish to be made a part of this statement.

"Another timing device is operated by the mechanism of an ordinary kitchen clock or alarm clock. The mechanism of the clock is removed from the case and into the center shaft of the main spring one electrical wire is attached. To a rubber plug placed away from the outside of the main spring another electrical wire is placed so that when the spring unwinds to its maximum distance, it touches the wire bound to the rubber post, thereby closing the electrical circuit. I have prepared a drawing of this device, No. 9, which I desire to be made a part of this statement.

"Device No. 10 has to be used in connection with a timing device, and is used for incendiary purposes, not explosives. This device consists of a twisted pair of wires, the ends of which are bare for a distance of about one-fourth of an inch. They are held apart at the base of the insulation by sealing wax. Between the ends of the exposed wires is stretched a very fine thin wire strand connecting both wires, over which is placed a coating of paraffin substance to protect the thin wire while it is being placed in a position to be used. Any other substance, like newskin, can also be used to protect this thin wire.

This end of the wire is then placed in a bag filled with calium chlorate and a powdered sugar mixture. The timing device attached to this equipment then can be set, and at the designated time the circuit is closed causing a short-circuit on the thin wire, which burns up, and instantly melts the protecting cover and fires the mixture of calium chlorate and powdered sugar. This, in turn, sets on fire the light-burning substance in which the above unit is buried. I have prepared a drawing of this device, No. 10, which I desire to make a part of this statement.

"We were also instructed in the use of a manufactured timing device which is a small black, flat, oblong object. This piece was complete in itself in every detail and consisted of a timing device and also a mechanism to discharge the primers. It could be used for incendiary purposes, as well as detonating explosives, and could be timed for a period as long as fourteen days. When we arrived in the United States, we brought along with us on the submarine a supply of these devices.

"We received instruction in the use of incendiary pens and pencils, a supply of which we brought with us on the submarine to the United States. These pencils were to be used solely for the purpose of starting incendiary fires and were designed to be placed in a paper bag filled with light- or hard-burning substances.

"As previously stated a training period for the week commenced on Monday morning and ended Thursday evening. On Friday and Saturday much of our time was taken up with devising stories about our background to be used when we

entered the United States.

"The next item in the use of which we were instructed was imitation coal blocks covered with a plastic material, and painted black. These blocks are formed like coal and painted like coal. They are roughly in the shape of a square, on one side of which is a hole, into which the primer is inserted. The bomb was so designed that the primer will explode at lower temperature than will the bomb. Without the primer, the bomb would burn harmlessly, but with the primer, the necessary impact is supplied to create the detonation.

"There are two types of primers used with the time clock which I previously mentioned. One was to start an explosion. The other was to start a fire. We brought a supply of these primers with us when we came to the United States. However, I would have to see and examine each one before I could definitely state which is used for explosions and which is used for fires.

"The primer used to ignite the coal bomb is still a different type of primer than the above mentioned. This primer is very similar to the two types used in the time clock, with the exception that it may be a little longer. When we came to the United States, we brought with us a supply of unloaded primers to be used for practice and also in order to gauge the right size of holes to be drilled into explosives.

During our training at the school, the only ready-made explosives that we worked with consisted of a yellowish,

hard substance, the chemical content of which I am unable to give. This material is a very powerful substance and immune to shock. It can be sawed, cut, hammered, thrown around, and stepped on, with no reaction. The only possible way this material can be exploded is by detonating it with a primer. We brought a large quantity of this substance with us when we came to the United States.

"Each day, we would first attend lectures, at which time the theory of the various explosives, primers, timing devices, and fuses was explained after which we would actually engage in the manufacture of these explosives, fuses, primers and timing devices in the laboratory on the grounds of the estate. As previously stated, we were required to take very complete notes concerning the lectures and the experiments. In addition to our laboratory work of preparing these explosives and other material, we were also required to conduct experiments in the use of this equipment. In connection with the actual experiments conducted, everything possible was done to simulate conditions under which we would work in the United States. The instructors in the school acted in the capacity of guards, and we were required to operate in such a manner as not to be seen by the instructors.

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3 p.m.

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3PM.

"We were required to examine the spot which we were to destroy and figure out exactly the amount of explosives necessary to destroy it; also, we were required to determine the kind of explosives necessary. During this course, we were given very detailed instructions on how to determine the necessary type of explosive to be used in order to destroy a certain object constructed of wood, steel, or iron, and also the exact amount. We were also taught exactly where to place the explosive to get the maximum results. Our objective was not complete destruction by the force of the explosion, of the structure or object against which it was directed, but mainly to so weaken the structure that it would subsequently collapse.

"Among the various things on which we practiced were wooden posts buried in sand, and iron tracks laid on the ground of the state. We were taught how to judge the exact amount of explosives and type of explosives needed, by measuring the thickness of the object that was to be destroyed--depending upon whether it was wood, steel, or iron.

"Several times during the course, at the noon recess, we would be given instructions on a piece of paper, directing us to perform certain acts, as a test. There were always two men working together. The decision as to what type of explosive to be used or what type of incendiary material was used, was up to the men; also the manner in which the test was performed and left to the men, as well as the manner of approach and departure.

o2

"During these tests, as I have previously stated, the instructors at the school acted in the capacity of guards of the place that we were to approach. In order to make it more difficult for us, the instructors had placed various obstacles around the objects that we were to destroy, in the form of small charges of explosives which would not injure anyone. The instructors would also simulate attacking us, in order to make us be more careful and avoid detection.

"In every test conducted by the school, everything possible was done to imitate actual conditions under which we would be expected to operate when we reached the United States.

"About twice a week, Kappe would take us, in a body, to the previously mentioned tavern, where we would have an evening free and could enjoy ourselves. During the walks over to the tavern, Kappe would engage in conversation with various members of the school. It was apparent that his object in doing this was to draw out the student and learn his attitude concerning the school and possibly determine, in his own mind, whether the student would be capable of going through with the assignment. I am also certain that another objective of Kappe's in going to the tavern with us was to observe the reaction of the members of the school after consuming intoxicating liquors. Although there was no restriction on the amount of beer or whiskey we could drink, no one ever got drunk. George Dasch and Eddie Kelley also conducted similar tests

o3

with members of their own groups.

"As a result of these tests, it was determined that Scottie, whom I have previously mentioned, was not capable of continuing in the school, and he was sent back to Hamburg.

"It was during one of these tests conducted by George Dasch that I first got together with him and began to get some idea that he was not the absolute Nazi which he pretended to be. This particular incident was during the first week in school--some time between April 13th and 17th. I also noticed that from this time on, Dasch had difficulty with the course and had considerable difficulty with the instructors. He frequently came to classes late, and insulted the instructors by his behavior. He would keep his hands in his pocket when it was necessary to stand at attention and 'Heil Hitler.' As a result of this, everyone became suspicious of Dasch. It appeared to me that he was attempting to find out just how far he could go against the authorities at the school without being fired. Dasch later explained the situation to me as being caused by the fact that his nerves were beginning to upset him and that he couldn't force himself to go through with something that he really hated and despised.

"The previously-mentioned Reinhold Barth, during one of his visits to the school, gave a lecture on American railroad systems, using genuine American photographs, plans, and drawings as material, which he showed around the class. This first lecture about the railroads

04.

consisted, in the main part, of the main lines covering the United States. He pointed out all of the major terminal points in the United States. He also instructed us in the condition of the rolling stock of the various lines throughout the United States, telling us which lines had old equipment and which had neglected their rolling stock. He also illustrated to us the different types of engines used, their average speed of freight trains in the United States.

"Barth also pointed out to us the important bottlenecks in the railroad systems in the United States, so that we would know the important places where damage would create the greatest loss. Barth impressed me as being a very smart and able man, although he was no speaker.

"Subsequently, Barth took the entire class to the railroad yards in Berlin for a personal inspection tour of the equipment there, and, while there, demonstrated to us the weak spots on box cars, freight trains in general, like, for instance, the bearings, the oiling systems, the brakes, the engines, the tracks, the block signaling operation, the switching devices, and also how to run the engine.

"The day before the course was concluded, we had a two-hour course in secret writing, consisting of theory and practice. The first part of the course, a period of one hour, dealt with secret writing on clothes and two or three different ways of placing secret writing on paper.

o5

"The first method of secret writing on paper is as follows: First, a piece of paper is completely immersed in a dish full of water and allowed to remain until thoroughly soaked. It is then removed from the bowl of water by holding two of the corners, allowing the excess water to drain off, so that it will not become wrinkled. The paper is then laid flat on a glass surface, and over it is placed a dry sheet of paper. With a pressure strong enough to touch the sheet underneath, you write with a black pencil, after which the dry sheet is removed, and you allow the wet sheet to remain on the glass until it dries thoroughly. The writing is then invisible. In order to reproduce this writing, all that is necessary to do is to place the paper again in water, when it will show black. We were instructed that after the paper thoroughly dries, we should type a camouflaged letter over the secret writing, which is customary.

"The second method of secret writing on paper I cannot recall. This formula was written down on the piece of paper which I have previously mentioned as having been lost on the beach at Amagansett, Long Island, when I landed from the submarine. I do remember that, in order to make it visible, glycerine is used.

"The third method to be used on paper consists of a tablet of aspirin dissolved in a fluid, the name of which I don't remember. I don't know if the aspirin is used for the reagent or the writing.

"To write on clothes, one teaspoon of alcohol

o6

is put into a glass in which a laxative pill is dissolved. This must be a type of laxative which will turn the alcohol red. To make the writing reappear, I am quite sure a mixture of cigarette ashes and some fluid is to be used. I don't recall the formula, but would like to state that it is written on the previously mentioned paper I dropped out in Long Island.

"As a pen to write with, a toothpick is used. The point of the toothpick is covered with a piece of cotton, which is very tightly bound and formed to a point. The cotton on the top of the toothpick will absorb the water, and in applying it to the paper, no trace of imprints will be made, so that the writing will be entirely invisible.

"I want to state here that in all the methods used, the writing immediately disappears and no trace is left on the paper of any writing having been done.

"On Friday and Saturday of each week, during the course, we were required to spend considerable time in perfecting the stories as to our background and occupations, to be used after we arrived in the United States. We would all be gathered together in the class room, and discussions were had by everyone as to what was considered the best story that each man could tell.

"For instance, Henry, because of his resemblance to the Eastern European type, was suggested to pose as a Lithuanian. This was Kappe's suggestion, who personally conducted these classes.

o7

"Kappe, through his knowledge of the various members of the class, made numerous suggestions as to what background each member of the class was to adopt upon arriving in the United States.

"George suggested that I pose as a Jewish refugee. However, it was Kappe's suggestion that I was to pose as a Czechoslovakian refugee and that I had arrived in the United States as a stowaway on a Spanish ship. However, during the last few days of the course I decided that I would return to the United States under my own name. I talked with Kappe and obtained his permission.

"Kappe then took my naturalization certificate, on the back of which was the rubber stamp impression, 'Passport Issued,' showing that I had left the United States in 1933 to return to Germany. Kappe took this paper away with him the day before my departure from Berlin, after the school was over, and returned the paper to me with this stamp removed. The story that I then was to use was that I had never left the United States.

"Quirien was to use the story that he was born in Lisbon; that his parents came to the United States when he was a small child--I believe two or three years old, which would explain that he could not talk the Portuguese language; that his father deserted his mother. Quirien was supposed to have been employed principally as a farm hand throughout the United States, and was never supposed to have left the United States.

"Werner Thiel, one of the members of the second group, was to assume the story that he had been born in

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Upper Silesia and that he had emigrated to the United States with the entire population of his village; also, that Upper Silesia, at the time of his supposed entry into the United States, belonged to Poland.

"Herbert Haupt had his own story about being born in the United States, which was perfectly O.K., because, as previously stated, he had attended high school in Chicago and spoke the English language with no accent whatsoever.

"Swenson was supposed to be of Swedish descent, to have first emigrated to Canada and to have then crossed from Canada to the United States, in order to buy a farm.

"I believe Herman Neubauer was to give some sort of story that he had been a cook on a ship and had jumped the ship at a United States port and remained there. I don't know what story Eddie Kelly had prepared.

"Kappe would frequently act the part of a questioner and examine the story of each man. As a result of this, the stories were continuously being changed until they were satisfactory to Kappe. Even the day we left Lorient, France, Kappe tried to change my story.

"Each man in the group was furnished by Kappe was a false draft registration card, with the exception of Herbert Haupt, who, I am quite sure, didn't get one, because he was so young. Haupt, as I recall, was instructed actually to register for the draft when he

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returned to the United States. I was under the impression that these false draft registration cards were made in Germany. However, it was general talk around the school that the cards had actually been sent over to us from the United States.

"We were also supplied with false Social Security cards by Kappe. The same thing applies to these as to the draft cards. I am not certain as to whether they were made in Germany or whether they came from the United States.

"My draft registration card and Social Security card are in my bill fold, which is now in the possession of the Federal Bureau of Investigation.

"The Social Security cards were filled out by typewriter when we received them. The draft registration cards for our group were filled out in ink on George Dasch.

"On or about the last day of the school, Barth and Kappe gave a lecture on how and where to use the explosives which we had been studying during the past three weeks. Barth and Kappe had a smallmap of the United States, on which were printed the names of aluminum and magnesium plants, showing their exact locations; also another map showing the important railroad centers and bottlenecks, such as bridges and tunnels. Also, there was another map which showed a complete picture of the waterway transportation system of the United States, indicating all important locks.

"They also showed us a photograph of Hell Gate Bridge in New York City, which, they told us, carried

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the man traffic into New York City from the north. Barth described the construction of the Hell Gate Bridge, and, as I recall it, explained that it was constructed of metal plate and not structural iron and that it would be quite easy to damage this bridge.

"Kelley's group was given the specific assignment of damaging this bridge after they became established in New York City.

"The maps which they showed us about the magnesium and aluminum plants also showed the yearly output of each of these plants. In addition to that, they showed us a map on which was indicated the location of plants under construction or to be constructed. We were shown the exact routes used to transport ore to all of the aluminum and magnesium plants.

"The last and final part of the schooling was a personal tour of aluminum plants of the I. G. Farbenindustrie, located in the vicinity of Berlin, at Bitterfeld and Dessau. They are the largest aluminum and magnesium plants in Germany. This inspection was conducted by Kappe; an official from army headquarters; another man from the scientific department of the High Command, whose name was not given to us; our teacher, Dr. Schulz; Dr. Koenig, and the manager and first director of the plants. This inspection tour lasted for a period of two days, during which time we were shown the various bottlenecks existing in each plant, the destruction

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of which would totally disable the operation of the plant for a certain length of time.

"As far as the aluminum plants are concerned, there were three different facts pointed out to us. First, an aluminum plant works on electric power, and therefore the high tension poles carrying the power into the plant would be the first and most vulnerable point of attack. These poles, we were told, are constructed in the same manner in the United States as they are in Germany and are easy to damage, which, of course, would tear down the entire power line. It was very carefully pointed out to us how to differentiate between main sources of power and auxiliary lines. We were instructed that any damage planned to an aluminum plant should always be carried out by a group of not less than four persons, inasmuch as there were too many spots which had to be destroyed at one time to permit less than four men on any one job of this type. It was pointed out that if we were able to disrupt the power input for eight hours, it would destroy all the stoves and baths in which the aluminum is manufactured. We were also told that once the power is interrupted from the stove and the bath, after a period of eight hours the contents of the stove and the bath congeal and destroy the stove and the bath.

"The second spot in the aluminum plants we were told, is the transformers, identified from the outside by a very slight humming noise and also identified through the peculiar construction of the roof over

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the transformers. We were told that these transformers would probably always be located somewhere near the smoke stack and power house of the plant. In order to destroy the transformers, we were told to locate or to place our explosives underneath the transformer where the oil cooling system is located, and that the resultant explosion would damage the oil cooling system, causing it to drain, thereby effectively destroying the power.

"We were also instructed in the method of destroying transformers from a certain distance. We were told that an effective method of destroying a transformer from a distance would be by using a rifle with a high-powered shell, shooting between the ribs of the cooling system.

"Another vulnerable spot in plants, which was pointed out to us, was what I call the equalizer, which, we were told, would be generally found very close to the transformer, generally in the same building. To destroy the equalizer, we were told that all that it would be necessary to do would be to turn the valve at the base of this equipment, to cut off the water supply, and put a small crack in a porcelain insulator located on the top of the equalizer. It appears that the inside of this equalizer was a vacuum and the slightest crack caused in the surface of this insulator would permit the air to get in, and, coupled with the shutting off of the water from the cooling system, the equalizer would be destroyed.

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"In addition to all the foregoing, we were also shown the control room for both the equalizer and the transformer sections, and saw the man who supervises the control of this equipment. We were told that it would be necessary, in order to effectively damage the equalizer or the transformers, to control this man. We were specifically instructed never to harm him. In this connection, we were instructed not to carry any firearms, knives, or blackjacks.

"I might mention at this time that, during the course, I specifically asked the question as to whether there was any bacteria or poison warfare planned. I was told quite definitely that no plans had been made for any warfare of this type; also, that we were not to approach anyone or attempt to buy anything of that kind in the United States, as they were sure that the United States did not intend to engage in any of that type of warfare.

"As an illustration of how easy it was to gain access to aluminum plants, the director of the plant related to us a story of how at one time in their plant twenty-seven of their special guards had been instructed to assemble at a certain point and attempt to gain access to the plant and to plant dummy packages of explosives, after which they were to reassemble, if not detected, at the original point of assembly. We were told that all twenty-seven of these men succeeded in gaining entrance to the plant and accomplishing their mission, and that twenty-six of the twenty-seven left

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the plant without detection, only one man being caught.

"At a dinner we had at this plant before we left, I asked the director what precautions were being taken now to guard the plant, and he explained that the guards carried carbines. A little later, I was walking around the grounds of the plant and saw one of the guards with a carbine on his shoulder. Being an Army man, I immediately noticed that the rifle was unloaded and advised the director of this fact. He confirmed my opinion when he called the guard over and examined the rifle in my presence."

The Attorney General. May I respectfully suggest to the Commission that we take a five-minute recess?

The President. The Commission will take a five-minute recess.

(At this time a short recess was taken. The following then occurred:)

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3:20pm

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3:30 p m

The President. The Commission will open.

Colonel Munson. The personnel of the Commission is present; all the accused are present. Captain Hummell, of the defense, is temporarily absent. The full staff on each side has now returned to the court room; the reporter is also present, and we are ready to proceed.

(The reading of the statement of Ernest Peter Burger was resumed as follows:)

"George and I also noticed numerous other means of easy entrance into the plant and my purpose in stating these at this time is that if any means are found to sabotage any of the industries, this information I am furnishing may be of some help. I wish to draw special attention to the big air openings outside the building, in which the transformers and equalizers are located, which lead directly underneath the transformers. Any explosive placed in one of these openings would without doubt destroy the transformers.

"I believe I have previously mentioned the fact that Scottie, who was in the class, was generally distrusted and by the time the class was almost over nobody would talk to him. Consequently before the end of the class Scottie was sent back to his home town.

"I know that in the case of Herbert Haupt, instructions were given to the rest of the group to watch him closely as he was not trusted by Kappe and the teachers, and it was believed that if he got a chance to double cross the group after his arrival in the United States, he might do so purely for money.

"One of the things I forgot to mention about the

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work of the school, was our practice in landing maneuvers. As I previously mentioned there was a small lake on the grounds of the estate, and about three or four times during the course we practiced landing on the beach in a light rubber boat and collapsible rubber boat. The collapsible rubber boats did not turn out as one turned over and Herbert Haupt and Eddie Kelly almost drowned. Therefore, it was decided that when we landed in the United States, rubber boats would be used.

"One thing that I wanted to point out about Dr. Schultze, whom I previously stated is absolutely against the present regime in Germany, is that he belongs to the same old group of S.A. that I belonged to. Schultze is just waiting for an opportunity, perhaps a revolution against the regime, in which he can take part. Schultze lost his former job as an oil expert because of the Gestapo, which he hates. On the other hand, Koenig is very fanatical in his views and loyal to the regime, but is against the Gestapo because he is ambitious and is afraid of the competition of the Gestapo.

"To illustrate this point, I learned that when the Gestapo recovered the parts of the time bomb used in the Munich Beer Hall explosion of November 9, 1939, at which time Hitler almost lost his life, the Gestapo refused to allow Koenig to obtain any of the details about the construction of this bomb. I might add that it is the practice of the Gestapo not to give the Army any information about their activities, and the Army will not give the Gestapo any information about theirs. This is point-

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ed out to illustrate the friction between these two organizations, and there are also other organizations, between which organizations and the Gestapo friction exists to the point where each cordially hates the other.

"In connection with the two-day tour which we took of industrial plants in the vicinity of Berlin, we also visited the magnesium plants operated by the I. G. Farbenindustrie. However, it was pointed out to us that special groups would be trained to handle these industries. I was unable to learn whether these groups were being trained at the present time or whether they would be trained later, and whether they would be trained at other places in Germany. However, if not already pointed out, I know that the four German officers who attended all classes at the school were there for the purpose of observing the teaching methods, so that they could establish similar schools in other parts of Germany. I also know that the schools these officers were to establish would be for the purpose of training men solely to be used in the United States.

"At the end of the school, although we had pretty well known the manner in which the class would be split up, it was officially announced which men would be in each group. George Dasch was officially made leader of my group and Eddie Kelly was officially made leader of his group. Our group was designated #1, and the other group was designated as group #2. At this time our group consisted of five men, namely Dasch, Quirien, Heinck, Swensen and myself. Group #2 consisted of Kelly, Haupt, Neubauer and Thiel.

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"After it was officially announced that George was to be the leader of our group, and who were to be members of this group, Quirien and Swensen immediately started opposition to him, going to the extent of even telling me that they would kill him after we arrived in the United States if he would not change his attitude. At the same time they put a question to the teachers as to what should happen to a member of either group who proved untrustworthy and who would not work for the best interests of the group. This question was put to Kappe, Schultze and Koenig, who advised that if such a case arose, that man must be removed, if necessary by force.

"A few hours later we returned to the conference room where we had general conversation and in the run of the general conversation, Kappe got up and told them he thinks it is time now to announce that I had been in the hands of the Gestapo for quite a long time but that he had full confidence in me because it was my aim to rehabilitate myself. He also pointed out that the other boys should, on account of him trusting me, have no doubts about me because I had been a prisoner that long. From that day on I was closely observed and many times questioned by Quirien and Heinck as to what the real reason had been for me to take part in the undertaking. They asked me, 'How come, when you were treated so badly by the German Government, you are fighting in this dangerous way for the government?' I tried to explain to them that I do not believe the German Government and the Gestapo are one and the same; that on the contrary I knew I had enlisted

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with an organization which was in competition with the Gestapo. This did not prove to be a satisfactory answer to them, because they kept on observing me even on the submarine. On the submarine coming over they put to me many surprising questions as to my loyalty.

"As a matter of interest I might add here that the feeling which I have already mentioned between the Army and the S.S., which as previously stated is Hitler's private army, is very intense in Germany. There is so much friction between these two bodies that both organizations are not allowed to frequent many places at the same time. A good illustration of this are the former dance halls in Germany. I say former because dance halls are not allowed now. In the old days there were separate dance halls for men in the Army and men in the S.S. on account of numerous fights which started on occasions when they happened to meet.

"One interesting incident which I personally noticed was in a well known night club in Berlin, which incident occurred just a short time before I left in May of 1942. Two officers of the Luftwaffe, or Air Corps, had a table in this night club and I noticed that one of them had the Knights Cross of the Iron Cross on his collar, which indicates he was a very courageous and skillful air man; that he had shot at least 40 enemy planes down. This Officer asked the band leader to play an American tango, which the band leader did. While the orchestra was playing the tango, a man in civilian clothes, sitting in the back of the night club, went over to the band leader and

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told him to stop playing the song as it was an American song, and showed him a Gestapo badge. The orchestra leader then told this man the song had been requested by a German officer. The Gestapo agent immediately went over to the German officer, who with his friend rose to his feet, and I noticed that the second German officer also had the Knights Cross. After a few quiet words were exchanged between the Gestapo agent and the Army officers, the Army officers announced to the people in the night club that a 'rat' of the Gestapo was being thrown out. They proceeded to carry out their promise while everyone in the night club got up and clapped.

"Getting back to the finishing up of the school, one night just before the course was completed, everyone was called into Kappe's office individually and questioned at great length by Kappe as to his income before joining the school, and in my case before joining the Army. Kappe made lengthy notes on the names of our immediate relatives; where they resided; what they had to live on; if they had any money in the bank; and how much money each of us expected to get for doing this type of work. There were some other questions which at the present time I cannot recall.

"Regarding the question of money, or salary paid to me, my salary as a member of the Party had been 900 marks a month. This was cut off when I was arrested by the Gestapo and my salary as a private in the German Army was one mark a day. Kappe told me as long as I was from the Army he would have to pay me my Army salary but he

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would give me the chance of getting discharged from the Army and becoming a private agent in his organization, so-called 'S' man, which means sabotage man. Hermann Neubauer was also in this same position, being an Army man, but Kappe did not offer him the same proposition. This caused a row between Kappe and Neubauer later on. Neubauer felt so strongly about this, he requested a day or two longer to decide whether he would go to the United States or not. The consequence of this was Kappe noticed that money meant a great deal to Neubauer and Kappe's confidence in Neubauer went down. The rest of the men in the group were enrolled as sabotage men and received a salary from Kappe. Although we were not allowed to talk about the salary received, I learned later Heinck and Quirien received 500 marks a month, which are paid to their families in Germany. Thiel received less, which I think is about 300 marks a month and I learned from Thiel that this is deposited to his credit in a bank in Germany. I do not know what salaries are received by the rest of the boys.

"When Kappe discussed the question of salary with me, I refused to accept any salary from him with the exception of my Army pay being transferred to my wife so that she would have something to live on, and stated to him again my main reason for taking this job was to rehabilitate myself in the eyes of the party. Written contracts were drawn up by Kappe, which every one of us had to sign, corresponding to the conversation which he had with each of us. My contract stated that a perfect

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rehabilitation would be made of my personal honor in appreciation of services rendered and stated I had volunteered for this service. This meant as a result of my volunteering for this work, my record with the Gestapo would not be held against me or against the members of my family. However, it was made part of the contract that if I was disabled in any way, my salary payable to my wife would be decreased in accordance with the degree of disability. The contract also stipulated that if I were put in prison as a result of my work, my pay would cease entirely. The same thing applied in the case of my death. In the case of my death, my wife would receive a lump sum of money and the contract stated it was not up to my wife to decide how much it would be, but would be up to the government, and also would not be in proportion to my income. The reason why my wife would receive no further money in the event of my death, other than the lump sum, is that it is considered the duty of every German woman, whose husband is killed in the line of duty, to remarry in at least one year after her husband's death, so that she may continue to raise a family for the German rank.

"This contract also carried a clause, to which I had to agree, that I would keep silent for a lifetime about everything in connection with the work in which I was engaged. The penalty for violating this clause was death. There was another clause in the contract which stated that any other persons obtaining any knowledge of the work, through my fault, would also auto-

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matically come within the death penalty. I want to state, however, that I instructed my wife as to where I was going, but not about the kind of work which was expected of me. I also told my wife a certain password and when this was given to her, she was to immediately follow the instructions of the person giving the password. I also instructed her in one way of secret writing and told her as soon as I got a chance I would get in touch with her and send someone to get her.

"Although it was forbidden, before I left the submarine at Amagansett, Long Island, I managed to bribe two of the sailors to see that she received two letters from me, which I wrote just before we landed at Amagansett. One of these sailors was an old S.A. man, whom I previously mentioned.

"At Friday noon, April 29, 1942, final examinations were started, to test us in the things we had learned during the course.

"The entire group was split up into groups of two men each, and at noon on Friday, secret instructions were given to each group. These instructions directed each group of two men to proceed to a certain spot. The orders were that the factory, railroad or oil tank, or other manufacturing concern found at that spot was to be destroyed. Of course, all of these places were within the borders of the estate. Each group of men were required to examine the site, which they had been instructed to destroy, unseen, after which they were to return to the laboratory and prepare the devices and explosives

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which were to be used in destroying the objective. These tasks were to be performed during the night of April 29th and must be completed by 11 o'clock on the night of the 30th. The observers of these tests were about 15 high officials of the Army.

"I was paired off with Jerry Swensen at this trial. Our assignment was to destroy a fictitious oil tank. The site of this tank had been established in an experimental cellar of a building on the estate. It was necessary for Swensen and I to obtain entrance into this cellar without being seen, measure the diameter of the cellar which had been marked out in chalk, return to the laboratory and prepare the necessary timing devices and explosives and return to the cellar and place them in their proper position while guards were watching the place. Of course the actual charge of explosives used in this test was very small. We succeeded in accomplishing this test without being detected. I believe that Heinrich Heinck was caught while conducting his test.

"During the school course, I raised the question, 'Which organization in the United States, besides the uniformed police force, would have the duties of investigating our actions?' The answer was that a special organization by the name of FBI, Federal Bureau of Investigation, a part of the Department of Treasury, they told us, consisting of 90% college men, would be the institution which should be watched for. This organization would use the same methods and system used by the Gestapo in Europe. At the same time we were told

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that agents of the German Gestapo had their men placed inside the FBI and were well informed of what is going on. We were also told that with the exception of the headquarters of the FBI in Washington, all other offices of the FBI were continuously under observation; that agents of the Gestapo were watching these places and were able to know who was going in and out of the FBI offices. They told us if any of us were caught, they would know because the Gestapo agents would recognize us being taken into the FBI office. We were also told we would be under constant observation by agents of the German Intelligence, whose sole duty it would be to watch us and other groups of our nationality working over here.

"In July of 1941 on one occasion I was taken up to Gestapo headquarters in Berlin, and while there I chanced to overhear a conversation in one of the offices between two Gestapo leaders who were having a discussion between themselves about German agents in foreign countries. I overheard one of these Gestapo leaders tell the other one that the Gestapo had agents not only in the English Intelligence Service, but also in the American Secret Service, who were either members of the Gestapo or paid by the Gestapo for information furnished.

"After getting to know George Dasch and making the plans with him concerning our actions in the United States, I told him about this. This, coupled with the information we had received in the school, was the reason why George and I did not come to the New York Office personally but went directly to Washington, and is also the reason why

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we called the New York Office by telephone giving the code name of our undertaking Georg David Pastorius.

"Another important point which we were told at the school was that our first step upon arriving in the United States would be to build up suitable front, which we could use as cover. This front was to be established according to the occupation and ability of each member. Kappe who knew of the fact that I had done some work as a commercial artist, suggested that in addition to the other plans I had prepared as a front in the United States, I should try to obtain work with a newspaper as cartoonist. Kappe's idea was that probably the best identification I could carry in the United States would be a cartoon made by me of a drawing of Hitler. I was told that there would be no objection if I engaged in drawing cartoons in opposition to the German Government.

"The plan of our group upon arriving in the United States was to proceed directly to Chicago. Upon arriving in Chicago I was to establish a studio as a commercial artist and then insert in the Chicago Daily Tribune on the 1st and 15th of each month, an advertisement giving my name and address and the nature of my work and stating that I was available for work of this nature. Kappe also knowing I was able to play a violin, suggested I should either do this or establish myself as a violin teacher inserting the same type of ad in the Chicago Tribune. Herbert Haupt, Thiel, George Dasch, Heinck, Quintas, Reinhold Barth and Kappe all knew about this plan to insert the ad. In case all other means of communication failed between the groups, Barth and Kappe

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this would have been the last resort used to contact each other, and also for all following groups.

"I wish to explain here that it was planned to make Chicago the headquarters of all groups in the United States, after the organization had begun to build up. The reason why Chicago was picked to be the headquarters of the organization was that the returning journalists returning to Germany from the United States, stated Chicago seemed to be the city that was most tired of the war. As previously stated the plan was to establish a headquarters at Chicago and when the advertisement was inserted by me in the Chicago Daily Tribune, Barth would know because he would have copies of the Chicago Daily Tribune sent to him in Germany, that our organization was safely established and the fronts for all the agents had been built up and he could safely come to the United States. It was then planned that Barth would come directly to Chicago upon arrival in the United States, probably by submarine with another group, and take charge of the organization until the organization was built up to the point where Kappe would personally come to the United States in the same manner as the rest of us and take charge of all the groups in the United States directing all activities from Chicago.

"At the conclusion of the test, everything being to the satisfaction of the instructors of the school, we were granted a vacation from the 1st of May to the 12th of May. Kelly and George however were instructed to be in Berlin on the 11th of May and the rest of us

were instructed to report at a place, the name of which I cannot recall, near the Army headquarters in Berlin. Up to this time my wife had remained in Berlin, but after the school was over I took her to my parents' home in Wuerzburg, Bavaria, where I remained with her up to the 11th of May, leaving for Berlin, where I arrived on the 12th.

"After returning to Berlin the scientific department prepared the boxes which we were to take with us to the United States on the submarine. We were all shown a sample of what each box would contain. The actual boxes which we were to take with us were prepared somewhere else. I only saw, as I stated the sample contents of these boxes once, but to the best of my recollection, there were four tin boxes enclosed in wooden boxes, three of which were packed with explosives and the fourth was packed with timing devices, fuses, primers, wire, incendiary pencils, and coal bombs, and fillers of sulphuric acid for the incendiary pencils, also some small screws to be attached to the time blocks.

"Most of the time we were in Berlin, which was from May 12th to May 22nd, although we were supposed to leave much earlier, was spent in just loafing. We learned the reason for our delay was that there was no submarine ready to take us to the United States. During this time there also occurred the actual signing of the contracts which had been prepared just before the school was over. We also listened to a speech by one of the Army officers, whose name I do not know, on the penalties which would be inflicted if we talked or were caught. We also had a

farewell banquet in a private dining room at the Zoo Restaurant, a famous restaurant in Berlin, at which time toasts were made to the success of the Pastorius undertaking. At this banquet we were told that this undertaking of ours and all subsequent undertakings of a similar nature, were to be known by the name of Pastorius, the name being chosen by reason of the fact that a man by the name of Pastorius was the first German immigrant who had come to America as a leader of a group of immigrants. As I recall Pastorius went to Pittsburgh to settle.

"The day after the banquet we were issued German Army fatigue uniforms, shoes, cap and socks and we were told we were to wear these uniforms until we actually landed on the shores of the United States, so that if we were captured in landing we would be treated as prisoners of war because of our identity as German soldiers, although as a matter of fact only Neubauer and I were previously German soldiers.

"We were told shortly before leaving, that in order to protect us, members of the group who were not German soldiers, had been assigned to various units of the German Army in order to carry out this pretense. Each group was issued a large sea sack with the instructions that upon returning to the United States shores, if we avoided detection, our uniforms were to be taken off and put into the sea sacks and returned to the submarine by the boat on which we had landed from the submarine.

"From Berlin to Lorient, France, the sea sacks were used to carry three of the boxes as well as the uniforms

and the spades which we were to use in burying the boxes when we reached the United States, one of the boxes being carried by hand wrapped in paper. This was the box with the time clocks. At Lorient we removed the boxes and the uniforms from the sea bags and donned the uniforms. Every one was instructed upon landing in the United States, to wear an American made suit and other clothing, and I being the only one who did not have American made clothes, was given a suit by Kelly, which I took off upon arriving at Lorient and put in the sea bag.

"As previously stated we departed from Berlin on May 22nd for Paris, where we remained until May 25th. In Paris our movements were not restricted. It appeared that our groups were not very careful to conceal the fact of who they were and that they were dressed in American clothing. I recall that Heinrich Heinck got drunk in Paris and at the bar of the Hotel Deux Monds, Avenue de L'Opera, told everyone he was a secret agent.

"George Dasch had an engagement with a man he pointed out to me and told me was an American journalist who was to be exchanged with German newspapermen, and who was to come to the United States shortly after we arrived. It is possible this man's name was Von Scheible (?). George told me he talked with this man about his plan to come to the F.B.I. upon George Dasch's arrival in the United States, and disclose all this information and he wanted to give the F.B.I. this man's name to prove he had the intention of coming to the F.B.I. even before he arrived here.

"On the evening of May 25th, we left Paris for Lorient, France, from which point we were scheduled to travel by submarine to the United States. On the train from Paris to Lorient, George Dasch lost his pocketbook with all his identification papers, also his pipe. At this time a general nervousness or tension had descended on the group and Swensen started trouble about George being the leader of the group. Swensen also indicated at this time that he did not trust me.

"About noon, May 26th, we arrived at Lorient and were taken to a hotel reserved for officers of the German Navy. The name of the hotel translated into English would be Dreamy Day.

"Kappe accompanied the group from Berlin to Lorient, France, for the purpose of giving us our final instructions before our departure from Lorient and to see us off safely. Kelly, the leader of the second group, was given his money and final instructions by Kappe. The money I believe was about the same amount that was later given to George Dasch. While checking over this money, a number of gold certificates were found, and these of course were handed back to Kappe, and the finding of these certificates almost resulted in the refusal of both groups to leave for the United States. The morale of both groups was very low, especially when Kappe appeared not to take much interest in the fact that those bank notes and bills could be traced very easily and provide difficulties for us after landing in the United States. An examination of the \$50 bills revealed that they were in series, and

each had the letter B on the face of the bill. We knew that these bills could be easily traced in the United States and would identify each one of us as a member of a certain group carrying the same money. We felt that this was the weakest spot in the whole plan, and nobody wanted to take this money with him.

"Up to the time we landed from the submarine at Amagansett, Long Island, we were still not sure that these bills were any good and were not satisfied in our own minds that they could be used, until we actually made purchases with the bills at Jamaica and in New York City. During the time we made these purchases we avoided buying anything that cost more than \$50, in order that we would not have to hand the clerk in the store two or three of the bills at the same time. Also, no two men in the group made a purchase at the same time with \$50 bills, for the same reason.

"Before the second group was ordered to leave, the nervous tension was so high that frequent arguments among the boys occurred, on the train and in the hotel and at Lorient.

"On the evening of May 26th, the group, headed by Eddie Kelly, was told that they were going to leave the following day by submarine for the United States. Kelly had previously advised George Dasch that his group intended to land in the vicinity of Jacksonville, Fla. I believe George Dasch knows exactly where this group intended to land. However, the final decision as to where they would actually land was up to the Captain of

the submarine. I believe that Kelly also knew that our group was supposed to land at Easthampton, Long Island.

"Kappe took the second group to the submarine in person, after which he returned to the hotel about nine or ten o'clock in the evening, at which time Kappe and George Dasch got into an argument. Kappe was not satisfied with George's attitude concerning the activities of the group over here, and for a while it looked as though the plan concerning our group would be abandoned because of this argument.

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4 p m

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Einci
fls
Wilfong
4 p.m.

"The cause of this argument was that George Dasch had stated that he saw no reason why the group should engage in any activities whatsoever in the United States for three or four months after their arrival there. I am sure he had in mind the fact that this would give him sufficient time to expose the plan. Kappe, on the other hand, ordered the group immediately after our arrival in the United States to begin work in a small way. Another cause of the argument was that George wanted me to go with him, while Kappe wanted me to go with Henry. The reason George wanted me to go with him was, as previously stated, we had, without openly confiding in each other, arrived at an understanding as to each other's attitude toward the present regime in Germany. Kappe had instructed that I should go with Henry Heinck and that George should go with Richard Quirien. However, George told Kappe that he had no confidence in me, and did not believe that I should be allowed to go with Henry. This caused another argument between Kappe and George, but George won, and it was agreed that I was to accompany George. I was to travel with George when we arrived in the United States, prior to our establishing headquarters in Chicago.

"At this time Jerry Swenson told Kappe that he was sick, and it would be necessary for him to remain behind to see a doctor. Swenson claimed he had a venereal disease. Kappe told him to wait until next morning to be sure, and the next morning Swenson insisted on remaining behind. My personal opinion is that Swenson's real reason for remaining behind was that he could go back to Germany and become the leader of a group which was to follow us over.

"After Kappe returned from seeing the second group off, we were told that our group was going to leave by submarine the next day. On the following day I chanced to overhear a conversation between two German naval officers at Lorient, during which they discussed the fact that one day before Kelly's group left, another submarine had left for the United States with two naval experts aboard, who were to be landed in the vicinity of New York. I overheard them mention something about New Jersey during the conversation, but I don't know whether this was the spot where the naval experts were supposed to land. I only know that they were supposed to come to New York. My impression is that they were to do some work in reporting the arrival and departure of ships, and report this by a short-wave radio.

"On the 28th of May at six o'clock our group was taken by Kappe to the harbor by automobile. The submarine that we were to travel in was tied up by the quay alongside of a freighter which concealed the submarine from anyone on shore. We boarded the submarine by going up over the deck of the freighter, across a gangway, and into the submarine.

"Kappe introduced each one of us to the Lieutenant Captain of the submarine. The name of the Lieutenant Captain was Linder. Linder is about 35 years old, about 5' 10" tall, with a heavy build, weighing about 190 or 200 pounds. He had a full, round face, blue eyes, and good teeth. He wore a mustache and beard, which were dark brown. I never saw him without a cap. He had strong, lean hands. He was believed to be able to understand English, but he

was never heard to speak English.

"We were also introduced to the chief engineer, whose name I don't recall, and also to the first and second officers, whose names I never knew. We also met the chief machinist.

"After boarding the submarine we all had a few drinks together, after which Kappe left, and our group was shown to the bunks. George and I were in the officers quarters, and Henry and Richard were quartered with the crew.

"Contrary to what Kelly's group did, we did not receive our money on shore, but George had the amount for the whole group in his suitcase which he kept with him. The day before we landed on Long Island, George gave each of us a money belt, which was supposed to contain \$4,000 each. The difficulties arising over the gold certificates mentioned as having happened before we left Lorient, were occasioned by the fact that Group Two's money was given before they boarded the submarine at Lorient. Our group did not know what type of money we were receiving until after the submarine left Lorient. We also received, one day before our landing, \$419 in small change, to be used for our initial purchases after arrival in New York.

"With the exception of Henry, the rest of us in the group were quite seasick for the first four or five days, especially when the submarine traveled on the surface of the water.

"The crew consisted of about forty men, not including the officers. The officers personnel was made up of about six men. The submarine carried fourteen torpedoes, and I

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saw four torpedo tubes in the bow of the boat, and one torpedo tube in the stern. Although we were allowed full freedom of the submarine, it was impossible to walk around very much because of the fact that the boat was fully manned.

"Every day there was at least one practice alarm, at which time the boat crash-dived. For the first four or five days the submarine ran below the surface of the sea, all during the day. We only traveled on the surface at night time. On the surface we traveled by Diesel motor, and under the surface we went by electric motor. After the first four or five days we were so far at sea that we could come up on deck to get air and have a smoke. One day before we landed the submarine again commenced under-sea travel.

"During the course of the trip over, I became acquainted with two seamen on the submarine, one of whom was an old S.A. member, and who felt very much as I did concerning the Nazi Party. The other, although not an old S. A. man, had similar beliefs. I understood that his reasons were that he had been through quite heavy action around Gibraltar, and was fed up with war. I had in my possession some German money, which I gave them, and I gave each one a letter to my wife in Germany, which they promised to see that she received. Both of these men promised to deliver these letters at great personal risk, because while we were en route to America the Captain announced over the loud speaker system that none of the crew was to ask any of us any questions or get into any conversation with us; and

further, upon their return to Lorient or Germany, they were not to tell anyone that we had been on the submarine. They were told that any violation of this would result in their death.

"During the voyage over I learned from members of the crew that very few of them had seen any action other than sinking of merchant ships. As a matter of fact, I think the only one who had been in any naval engagements with the enemy was the one I mentioned as having seen service around Gibraltar.

"When we boarded the submarine at Lorient, the Captain told the crew that we were being taken out to sea where we were going to be placed aboard a submarine supply ship. After leaving Lorient, the Captain told the crew that we were actually going to be landed in the United States.

"With reference to these submarine supply ships, during the voyage over I made it my business to find out about them, and I learned that they are large submarines, designed to carry a supply of fuel for combat submarines. From what I learned, these submarines are stationed at one spot continuously, except when they have to replenish their fuel supply, which is obtained from merchant ships which meet the submarine at a designated spot. I also learned that these submarine supply ships are only necessary in the North Atlantic; that in the South Atlantic the submarines have shore bases where they can obtain all the fuel, oil, and food necessary.

"In the North Atlantic, whenever a combat submarine needs to be refuelled, they proceed directly to one of the

supply submarines, which, as previously stated, is located in a designated spot constantly. If possible, both the supply and combat submarines refuel on the surface. However, if that is not possible, I learned that refuelling can take place under the water in the following manner. The combat submarine proceeds directly over the fuel submarine, and I was told by the seamen on our submarine that the transfer is then made by high pressure air. Just how the connection is made under the water I do not know, nor do I know whether this above story is true. I was only told this by members of the crew and by the chief engineer.

"In addition to the torpedo tubes I mentioned previously, the submarine was armed with a cannon on the forward part, and behind the conning tower was an anti-air craft gun, loaded by a magazine with ten shells, each of which was about one-inch calibre. I saw this gun operated in practice, and the bullets used in this gun were tracer bullets. The submarine was also armed with two light calibre machine guns. During the trip over I asked the members of the crew how they were armed, and was told that they were supplied with rifles and pistols.

"The interior of the submarine consisted of three parts. In the stern were the Diesel and electric motors. In the center was the control room, above which is the tower. From the control room an iron ladder goes upward into the first section of the tower, where the steering mechanism is located. Above this room is the hatch opening out to the platform on the tower of the submarine. From the steering room the periscope is operated. In the

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forward part of the ship are the officers' quarters, the crew's quarters, and the storage room for the torpedoes for the tubes in the bow of the ship. I cannot make any statements as to the speed of the submarine, or the depth to which it could go. But I can definitely tell you how fast we were traveling on our trip. On the surface we traveled about ten or fourteen sea miles an hour, and below we traveled at a speed of about two to three sea miles an hour.

"With respect to the route followed to the United States, I was able to see a map which was attached to a table in the control room, and every day the distance covered the previous day was charted on the map. If shown a map of the North Atlantic, including both the French and North American coasts, I can chart the route followed by the submarine coming to the United States.

"I might mention at this point that during the trip Richard Quirien and Heinrich Heinck seemed to get very well acquainted, and make plans of their own. Whenever George or I approached them while they were talking, they would shut up. This was noticeable even to the officers of the submarine.

"As previously stated, the day before arrival in the United States George distributed among us the money belts, which were supposed to contain \$4,000 each, and the \$419 in small bills. We also at this time tried to straighten out our clothes, which until this time had been in the sea sack and were pretty wrinkled. I mean by that the civilian clothes which were to be put on after we landed on the beach.

"The original plan of the submarine captain and George was to get as close as possible to the shore in the day time, so that they could observe conditions on the shore, then the submarine would submerge and wait until one or two o'clock in the morning, then come to the surface and land the four of us in a rubber boat, which was carried by the submarine. Actually, when we arrived off the shores of Long Island it was so foggy that nothing could be seen. Thereupon the submarine submerged, and we remained under water until dark. Before surfacing, the submarine began to move ahead until those of us on board could feel it bump against the sand. The submarine then came to the surface, and again went forward until it touched the sand, after which the captain swung the submarine around parallel to the shore in such a manner that if it had been necessary he could get away quickly if we were attacked.

"Before coming to the surface there was a conference between the captain and his officers, and our group, about landing maneuvers. The captain assigned two seamen to paddle us ashore in the rubber boat. A line was attached to the rubber boat, running to the submarine which was for the purpose of guiding the boat back to the submarine after we had landed. All four of our group, in addition to the four boxes and the sea bag, were loaded into the boat. One of the seamen had a blinker and a rocket, with instructions that in case of danger and he could not return to the boat, he was to shoot up the rocket. The blinker was to be used to signal the boat that the two sailors were returning. The fog descended so thickly however, that the blinker was

of no use.

"At this conference I just mentioned aboard the submarine before we landed, the question also arose as to what we should do if we encountered any patrol on the beach. We were instructed that if any patrol were encountered, if we could, we would overpower the patrol by force, with the aid of the sailors, who would then take the patrol back to the submarine. The idea was to land the captured patrolman at some other spot on the United States Coast. Possibly there would have been also landed along with the patrolmen a sailor on the submarine who had appendicitis.

"When we boarded the rubber boat to come to shore, we were dressed in our German army uniforms, and our civilian clothes were in the sea bag. Before leaving the submarine, every one of the group had to go through the pockets of the uniforms and the civilian clothes, to be sure that there was nothing of German origin in the uniforms or suits. I managed however, to conceal a partially filled bottle of schnaps and a package of German cigarettes, information about which I will supply later.

"We left the submarine about one o'clock in the morning, and I believe that we were about 250 yards from the shore. We could hear the surf on the beach faintly. The captain told us we would have to pull away from the boat at a 90° angle, in order to head straight for the beach. After pulling away from the submarine for about a distance of fifteen or twenty yards, the fog was so thick that we couldn't see the submarine. Just a short distance from

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the submarine, large waves tossed the rubber boat around several times, throwing water over the boat, wetting our clothing and the sea bag, and confused us as to the direction of the shore. Somehow or other we got straightened around and headed in the right direction.

"At the beach the fog was still very thick. The first person out of the boat was a German sailor, who dragged the boat up onto the beach. Then the men in the boat proceeded to unload the boat. I was last to get out because I was sitting in the stern of the boat, and I was carrying George Dasch's suitcase. As soon as the boat was unloaded the other boys started carrying the boxes up toward the bank at the back of the beach, George made a wide circle around the spot where we landed, to see whether there were any guards there. Richard and Henry immediately began throwing sand over the boxes so that if anybody came along the beach they wouldn't see anything. At the water's edge where I was standing by myself, I placed a package of German cigarettes. I intended at this time to leave a clear trail from the edge of the water to the spot where we would bury the boxes of explosives, so that later on they could be discovered by any patrol passing this way. Henry and Richard don't know anything about this.

"I next placed the bottle of schnaps a little farther up the beach. I then opened the sea bag, took out a raincoat that was in the sea bag, laid it on the sand, and placed on it all the bundles in the sea bag for each man. Richard and Henry immediately began changing from their German army uniforms to civilian clothes. About this time

I threw my cap away. This cap bears the insignia of the German Marine Infantry.

"About this time we noticed a small fence back on the beach. Henry, Richard and I moved all of the stuff in the sea bag over to this fence; also the four boxes. During this time I had taken off my German army coat and put it in the sea bag, and Richard and Henry had put their uniforms into the sea bag. I then started back to the boat with the sea bag. The coat to the uniform I wore was the only one that had a belt on it.

"Half-way down to the water's edge, I heard George talking, and when I came up to him I saw him talking to a man who I first thought was one of our sailors, but who I later discovered was a beach patrol. I said something in German to George to the effect that he was certainly a fast worker. George told me at once in English to get back to the boys, and stay with them. As I recall, his words were, "Don't you see, everything is all right. Go back with the boys and stay with them." I took this as an order from George not to follow the instructions to overpower any patrol we found on the beach, and went back and kept Richard and Henry from doing anything about this. I'd like to state at this time that had we so intended, it would have been quite easy to overthrow this sailor, because he was apparently unarmed. I learned later that George had managed to send the two sailors in the boat back to the submarine when the Coast Guard man arrived.

"I went back to the other two boys, carrying the sea bag with me, and waited until George came up. At the time

that George talked with the sailor he had taken off the coat to his uniform, and was dressed in his uniform pants, and had on the shirt, tie and vest of his civilian outfit. He also had on a brown fedora hat.

"When I returned to Richard and Henry I immediately gave them the command 'Down!', and explained to them that George had run into a beach patrol in uniform on the beach. Henry immediately crouched down, but Richard wanted to get up and follow the orders given us by the captain. I told him that George had ordered us to stay where we were until he came back, and that everything would be O.K. Shortly after this, George came back, and we started to move immediately up the bank with all our clothing and boxes. On the top of the bank we all finished dressing and immediately started along the top of the bank, parallel to the edge of the water.

"Prior to this time I had picked up the bottle I left on the beach, and before we moved to the top of the bank I planted the bottle at the foot of the bank, near the fence. While moving along the top of the bank I dropped numerous small articles, which had been taken out of the sea bag, such as socks, shoes, a vest, and bathing trunks. The raincoat I mentioned previously I left at the spot where we had originally assembled on top of the bank.

"After moving down the top of the bank a few yards, we turned left, and cut back away from the beach, into a depression where we dug a hole to bury the boxes. Not being able to send the sea bag back to the submarine with

the sailors, it was necessary for us to bury the sea bag also. George told me and Henry to carry the bag to some hidden spot. I dragged the sea bag through the sand, purposely to leave a track which could be later identified, and stopped outside of the depression on a grassy spot, further inland. Henry and I then dug a hole in which to bury the sea bag. This hole was not quite deep enough to cover the sea bag entirely, and I told Henry that I would stay at the spot and finish the job, and he could return to the others. Henry left and I left there, leaving the sea bag sticking out so it could be easily found, also leaving a spade lying quite openly on the same spot. Henry and I then went back and joined George and Richard, who were finishing the job of burying the boxes.

"When that was completed we moved further inland, away from the sea sack, and found a spot where we sat down and waited until it got a little lighter. At this spot George changed from his Army trousers to his civilian clothes, and gave me his trousers to bury. However, I rolled them up and laid them on top of the ground at a spot about ten yards from where we were gathered.

"I then went back to the other three boys and found them discussing the fact that one of our group had two draft registration cards, one filled in and one blank. They were afraid that it would be dangerous to the group if we were caught with two registration cards. I told them that I was the one that had the two cards, and

George took it and tore it up, and told me to bury it. I put this registration card on the sand behind me, where it could easily be found. Richard then questioned the group as to whether any of us had any papers in our pockets with German writing on them. I denied this, although I did have in my possession in my pocketbook a paper with some German printing on it, a German photograph, and a paper on which the formulas for the explosives taught us in school were written.

"Nearby the spot where we were sitting, and to the left of us, we noticed a bungalow. We heard a telephone bell ring and a light went on in the bungalow. A door was opened, but no one came out. We could hear a man talking. We decided it would be better for us if we moved on. We started towards the highway nearby, crossed the highway, and turned to the right, passed two or three houses on the other side of the highway, and finally decided that this road probably led back to the shore. We turned and went in the opposite direction. On the way back a car came up behind us and we had to go into the bushes on the right-hand side of the road.

"It was at this spot that I lost the papers on which I had the formula written. The formula was written on two sheets of paper, about $8\frac{1}{2}$ inches by 11 inches, which were folded into a small square, about 2 inches by 3 inches.

"We stayed at this spot quite a while, and we saw cars passing on another road near by. After a while it got much lighter, and we were able to see that we were

very close to a radio tower. We also heard the surf nearby. When we saw the radio tower we moved in the opposite direction, following the road beside which we had been hiding. Some distance up the road we turned left, cutting through some fields, after which we came out on what we believed to be the main highway. On this highway we turned to the right and walked for about twenty minutes, after which we turned left on a small country road, passing a tourist camp where people were walking around. Following this road we finally came to a railroad track. George said that he believed that if we turned left we would be going in the direction of New York, and we soon came to a railroad station which was Amagansett.

"This was about 5 A.M. in the morning. We waited at the railroad station until 7:30, and a train came through. In the meantime the ticket window at the station had opened, and George bought four tickets for Jamaica.

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"While walking up the road from the beach to the railroad station, George drew me away from Henry and Richard and told me that the man he met on the beach was a member of the United States Coast Guard, and that I should remember that his name was Frank Collins, as I would have to use the name later. George didn't explain what he meant by this. He also told me that he didn't want the man to be harmed, and that he had given the man \$300. George also told me that he had explained to Collins that Collins would hear about this matter, meaning the landing on the beach, later on from Washington. George said the Coast Guard man had wanted him to go with him to the Coast Guard Station, but when he told him that he would hear about the matter from Washington, and had given him the money, the Coast Guard man let him go. George said he also told Collins that we were fishing.

"The four of us rode in the same coach to Jamaica, where we arrived some time after 9:30 A.M. Before leaving Amagansett, it was agreed upon among the four of us that we would split into groups of two at Jamaica, Henry and Richard traveling together, and George and I traveling together.

"After the arrival in Jamaica, we separated into two groups, and bought some clothes. George and I bought some shoes, shirts, underwear, socks, and we each got a cheap suit.

"Previously arrangements had been made that the two groups would meet again later that afternoon at

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the restaurant in Macy's department store. This meeting was somewhere around three o'clock that same afternoon. At this meeting George told Henry and Richard that they should go to the Hotel Chesterfield to stay. We later found out however that they went to the Martinique instead.

"Before George and I went to Macy's to meet Henry and Richard, I believe we checked in at the Hotel Governor Clinton. George's room number was 1414, and mine was 1421.

"At the meeting at Macy's, George told Henry and Richard that we would all meet again the next day at a restaurant named the Swiss Chalet, located somewhere on 52nd Street. George knows the address of this place. George also told Richard and Henry that if by any chance he and I did not meet them there the following day, that we would meet them that evening at six o'clock, at Grant's Tomb.

"On the first evening after George Dasch and I had registered at the Hotel Governor Clinton, New York City, and had met the boys at Macy's George and I returned to the Governor Clinton Hotel and had dinner in the Coral Room of the hotel. During dinner we discussed the various jobs which we had been instructed to do in the United States, and the political situation in Germany, and George also expressed to me some of the difficulties and hardships which his relatives were going through in Germany. I told Dasch of the

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difficulties I had experienced in Germany, and finally George declared he had a plan, which if followed out, would keep us out of difficulty over here, and avoid all trouble and help our people back in Germany. George also said he believed his plan would help out the people in Germany with the same political beliefs that we had.

"This convinced me that George was against the present regime, as I was, and that he did not wish to carry out the orders we had received. Then he told me he would have to put me through different tests before he explained what he intended to do. At this moment, I told him right to his face that I knew exactly what he wanted to do. His answer was that if I knew that, I would have to kill him. At that I smiled and told him that I was quite sure that our intentions were very similar. After this the restaurant became crowded and we left.

"We went out for a walk to Radio City, and George showed me some mural paintings by a Mexican. These paintings depicted oppressed people and was really in line with our conversation, which we had carried on during our walk to Radio City. George told me he would explain his idea to me on the following morning.

"The following morning I met George in his room, where we had breakfast. We resumed our conversation of the night before. George told me that he was 17 years of age when he volunteered for the German Army in World War #1, and through a corporal in his company,

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who was a Doctor of Philosophy in civil life, he was converted to Communism. After the war, George told me, he came to the United States, where he worked at various jobs, finally becoming actively engaged in union politics. George stated that during this time he investigated numerous political ideologies, and finally came of the opinion that the ideology of the National Socialist Party of Germany was that which more nearly coincided with his own. During this time George stated he had married an American girl of French and Spanish descent, and declared his intention of becoming a citizen of the United States. However, the second world war broke out in Europe and George stated he did not want to appear yellow and as long as he was not already a United States citizen, decided to return to Germany and find out what it was all about. George stated to me that he returned to Germany by way of San Francisco, Honolulu, Yokohama and Russia, obtaining his passport through the Japanese Consulate in New York City.

"At the time he left for Germany, his wife was sick and could not accompany him and he went alone.

"On the boat leaving San Francisco, there were a number of Germans, among them Werner Thiel. From San Francisco to Honolulu, these Germans, who George states were for the most part Party members, were very quiet, and after leaving Honolulu they began to grow bolder and sing German songs and boast of the way they were going to fight the English. George states that not being a Party member and not speaking German very well

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due to his long residence in the United States, he was not used to this type of action and as a result, the Germans on the boat grew suspicious of him. One of the Germans who had appointed himself leader of the group on the boat even went to the extent of telling George he was a spy and upon reaching Germany he, the leader, would make it his business to turn in a report about George's action.

"George told me that when he arrived in Germany he found conditions very bad and quite different from what he had expected. The people appeared to be suspicious and afraid of each other and had none of the comforts which he had been told could be found there, and the shortage of food was quite noticeable. George stated he also found that graft and terror were rampant. He pointed out one instance where he learned through an accountant of a bank that no examination was allowed of the bank accounts of the high officials of the Nazi Party.

"George told me that about this time he learned that although there was a severe penalty imposed, a large group of persons were engaged in surreptitiously listening to short wave broadcasts of foreign propaganda and had a system worked out to distribute the news obtained in this manner. George told me, however, that he learned that the propaganda the people were listening to was not the exact type that they wanted; that the speakers on the short wave broadcasts insulted the people rather than giving them advice and information which the German people did not get.

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George stated this decided him he did not belong in Germany and he made up his mind then and there to escape from Germany and seek help in having the right type of propaganda directed to the German people which he believed would result in the overthrow of the present regime.

"George and I are convinced that the people are only waiting for the right type of propaganda which will overthrow the present German regime. I know what I am talking about because I studied propaganda and I was in the highest propaganda bureau of the Nazi Party. I believe the only way to lick the Nazi Party in Germany is with their own weapons.

"George stated, at this time he obtained a position in the Foreign Department of the Reichs Government, to prepare propaganda for use against the United States. He told me his work afforded him an excellent opportunity to obtain information in the propaganda division, which he could later effectively use in the United States against the Nazi Government. Through his position in the Foreign Department George stated he got acquainted with Walter Kappe, who suggested that George should work with him and help him build up an organization in the United States. At this time George did not know the nature of Kappe's work. George stated that for three months he worked for Kappe at Kappe's headquarters, examining all the reports given by voluntary and paid German agents in the United States, or other agents working for Germany in the United States,

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concerning Bund members in the United States and Bund members who had returned to Germany.

"George stated that Kappe's headquarters at this time were in the offices of the German High Command, on the Tirpitz Ufer in Berlin. This is the same place that Kappe was located when I met him.

"According to George it was during this time that he learned the true nature of Kappe's work. George told me he assisted Kappe in selecting the men for the first school near Brandenburg, and he told me he also knows the names of men chosen to attend following schools, at least he knows the names of a number of leaders.

"My answer to his narrative was a short sketch of the old S.A., and the political situation that I came from. George then asked me whether I had any intention of going through with the orders given by Kappe and he also explained to me that my answer would mean that we would have to fight it out then and there in the hotel room because I would have to see in him a traitor to the German cause unless I felt the same way about the situation that he did. My answer to him was very short. I told him that I did not intend to carry out the orders and I then told him about how I had planned and left the cigarette box, the bottle, the raincoat and all the small items in the sea bag on the beach where we had landed from the submarine. I told him I believed it was probable that by this time the boxes had been found and it would be impossible

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for any of our group to immediately carry out any of the orders given us by Kappe, because all of the manufactured explosives we brought with us had in all probability been seized. I was thinking of Richard and Henry when I said this, because it was Richard's idea that we should go back to the spot as soon as possible and remove the explosives. As I have previously stated, Henry refused to go back.

"George then indicated to me by patting my arm that he was in agreement with my ideas and with what actions I had taken on the beach where we landed with the material.

"At this time George explained to me why he did not want to see the Coast Guardsman who said his name was Frank Collins harmed and why George asked me to remember the name Frank Collins. George and I were in a very difficult situation to find out a way for our immediate action. We knew something had to be done because it appeared that Richard and Henry were suspicious because we did not overpower the Coast Guardsman, as the Captain of the submarine had instructed us to do. We were also afraid to go to the New York Office of the F.B.I. because based on what we were told in school, we believed that that office was watched by Gestapo men.

"The Germans also told us they had means of knowing what was going on within the F.B.I. itself. On the other hand, we had to be careful not to be caught before we had an opportunity to voluntarily inform the F.B.I. To show our bona fide intentions, I wish to state

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that George and I could have disappeared entirely with the money that we brought along from Germany; also we deliberately chose a large hotel in New York City, instead of securing some room where it would have been very difficult to find us, as we had been instructed to do, and as Richard and Henry were planning to do.

"By this time it was close to noon, when we were supposed to meet Richard and Henry at the Swiss Chalet on 52nd Street. During our conversation George telephoned the Chesterfield Hotel to find out if Richard and Henry had registered as George had originally instructed them to do. George found out that Richard and Henry had not registered at the Chesterfield Hotel, and this again aroused both our suspicions that Richard and Henry did not trust us. George wanted to call Richard and Henry at the Hotel Chesterfield in order to tell them that we could not meet them at the Swiss Chalet, but George was unable to give them this information as he could not get in touch with them.

"George and I talked together at the Hotel Governor Clinton until about 5:30 that afternoon. During this time George and I agreed we would call the New York office of the F.B.I. and give them a code word and not reveal our names, and tell the F.B.I. we would go to Washington the following Thursday in order to see Mr. Hoover on a very important matter.

"Then George and I took a taxicab from the Hotel Governor Clinton to Grant's Tomb on Riverside Drive. We got there about 6:20 P.M. and found that Richard and

Henry had been waiting for us about twenty minutes and wanted to leave. George was able to reassure Richard and Henry that everything was all right. Richard appeared quite peeved and said that they would not stand for such actions on the part of George and myself. We asked Richard and Henry where they were staying, and they told us the Chesterfield Hotel. We knew they were lying because of the telephone call we had made earlier in the day and when they asked us where we were staying, we immediately told them the New Yorker. We then told Richard and Henry we would meet them the following Tuesday, at about 11:00 A.M. at the automat restaurant by Macy's Department Store.

"Before Richard and Henry left us at Grant's Tomb, on Sunday, Richard reminded us that Kappe's orders were for us to move on to Chicago as soon as possible. George refused to do this and said that he had some important conferences coming up and we would all have to stay in New York City until he was ready to leave. Richard then told us he did not feel safe at the hotel where he and Henry were staying. George told him that if they did not feel safe, they should move to some place else and keep George advised as to where they could be contacted. When Richard mentioned that he did not feel safe at the hotel where he and Henry were staying, George said that this matter was his own personal business and he knew how to take care of it as far as he and I were concerned. Richard and Henry then walked away from George and I and appeared to be very disappointed.

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"George then told me that he got the impression that Richard and Henry would be harder to control and we might possibly get into some trouble with them if we did not take some immediate action. We took a bus back towards the Pennsylvania Railroad Station, with the intention of calling the F.B.I.

"Before leaving the Governor Clinton Hotel, I had obtained the telephone number of the New York office of the F.B.I. from the telephone book and gave this to George. When we got into the city, George left me a short time in order to telephone the local office of the F.B.I. George telephoned the F.B.I. about 7:50 P.M. Sunday evening. I did not hear what George said but when he returned to me he told me the following:

"George said that he talked with the office of the F.B.I. and told an agent that he had just returned from Germany and that he intended to go on Thursday to Washington to see Mr. Hoover on a very important matter. George said he told the Agent to make a note of the time of the call so that his notation could be referred to later on. George said the Agent asked him for his name. George stated he told the Agent he did not feel safe to tell him his name over the telephone. The Agent then asked him if he was afraid of the Gestapo and George said 'yes,' and the Agent then asked George if he wanted another agent to meet him, but George said 'no,' that that was not necessary because he was going on to Washington to see Mr. Hoover.

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George said that during the end of the conversation, when the agent asked him for his name, George told him that he should put down the name George David Pastorius. George said that was all of the conversation.

"We then had a bite to eat and returned to the Hotel Governor Clinton. I do not know exactly why George wanted to wait until Thursday before going to Washington to see Mr. Hoover. I believe that one of the reasons George did not decide to go to Washington until the following Thursday was that he had bought some clothes which he would not get until the following Thursday, but I believe the principal reason was that he wanted to formulate plans to present to the proper authorities in Washington, outlining the proper procedure for a propaganda campaign against Germany.

"I asked George what would happen if the F.B.I. did not believe our story and George said that he felt the F.B.I. would believe the story because he was not going to ask for any money for his information and further that he had his own money with him for the purpose of carrying out his plans, and in addition, he would help the F.B.I. to immediately locate the boxes of materials removed from the submarine buried on the beach near Amagansett, Long Island. In addition George said he would furnish the F.B.I. with a list of the members of the groups that would come over to the United States on submarines, as well as the meeting places for the groups coming over.

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"George also told me that when he left I should not do anything of a suspicious nature, such as buying a short wave radio set, with which I might listen to German broadcasts, and in addition I should not leave the hotel and I should not travel; that I should conduct myself openly at all times and I should look forward to being contacted by some agents of the F.B.I.

"On Monday, June 15th, George and I stayed pretty close to the Hotel Governor Clinton, doing a little shopping, during the day. We did not contact anyone. We did not visit any German community in New York. As a matter of fact George told me we should stay away from all German communities in New York City. Personally I am not acquainted in New York City.

"On Tuesday morning about 10:00 o'clock I tried to telephone George in his room at the Hotel Governor Clinton but he was not in so I went alone to the Automat near Macy's Department Store and met Richard and Henry. I was with them for about one hour. Their feelings toward George were not very good and they expressed them and said they had expected George to come and give them suggestions as to our trip to Chicago and some definite answers as to what to do now. In the line of conversation they also told me that they had been at the Martinique and had moved to 149 West 76th Street, a rooming house. Richard complained that George was not acting in the way he should, especially by not appearing at this time. Richard and Henry appeared to be very anxious to get

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out of New York as soon as possible. Richard and Henry explained they were spending their time shopping and waiting for word as to what they were to do. It also appeared to me that they were getting nervous and were becoming more and more suspicious of us.

"I personally did not give Richard and Henry any instructions because George was the leader of the group and he alone was to issue the instructions. I told them to stay at their place until noon next day and either George or I would show up. They agreed to this and we parted about noon.

"Either on Tuesday or Wednesday I purchased a Leica camera and some camera parts at a camera store, which I believe is called Photo Shop at 41st Street and 5th Avenue. I paid about \$150 cash for this camera. I would like to explain that when I was in Germany I owned a Leica and my wife and I used it continuously. It was our only hobby. Due to financial difficulties in Germany my wife was forced to sell the camera for money when I was in prison, and I resolved that some time in the future I would buy a new Leica with money furnished to me by the German Government. I also bought some camera parts consisting of exposure meters, some film and a filter. All of these items cost me about \$180. I then returned to the Hotel Governor Clinton, where I met George in his room and I showed him the Leica camera and parts that I bought.

"When I saw George I told him that I had been to

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the Automat restaurant to see Richard and Henry and they were pretty sore. George explained that he did not return to the hotel and had spent the night playing pinochle. George also said that he did not care to see Richard and Henry on Tuesday. I then gave George the address where Richard and Henry were staying but George returned the address to me and said that I should go to see them as he did not want to see them, even on the following day. I did a little shopping on Tuesday but other than that did nothing for the rest of the day.

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"Shortly before noon on Wednesday, I went to 149 West 76th Street where I inquired for Richard and Henry. A colored woman came to the door and when I asked for Mr. Quintas, the colored woman told me that she never heard the name. After some questioning the colored woman told me that a Mr. Albany moved in the day before and she finally took me to the man she called Mr. Albany, who was Richard Quintas. About three minutes after, I met Richard, Henry came from his room. For approximately the next forty-five minutes, both Richard and Henry were using profane language continuously when they found out that George had not come with me. When Richard asked me where George was I told them George was playing pinochle. Towards the end of the conversation Richard told me that I should immediately get in touch with George as he wanted to take over the command of the group.

"About this time I told Richard and Henry that George was planning to leave New York City for a couple of days in order to make some important contacts. I also told them that George had already made preparations for us all to go to Chicago. I told them this in order to keep them under control.

"Richard told me to go back to the hotel and tell George to see him because he wanted to have it out with George. I then returned to the Hotel Governor Clinton and met George. George told me that he did not want to see Richard or Henry. I noticed that George appeared to be a bit nervous. We again talked over our plans and confirmed our former decision. I cheered George up

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a bit, reminding him that we had finally gotten back to the United States, where we originally had intended to come; that while in Germany we couldn't refuse to do what they told us to do, but that we had not done anything against the United States, and we were actually doing everything we could to prevent the other boys from doing anything against the United States. On Thursday morning I ate breakfast with George, at which time George told me to visit Richard and Henry and encourage them. George said he would probably leave for Washington in the evening.

"I then went up to Richard and Henry on West 76th Street. I told Richard and Henry that George would leave town that day for some place in New Jersey. I did not stay long with Richard and Henry. I persuaded them to take it easy. I then returned to the hotel and received a call for two letters at the desk. One was a paid up hotel bill. The bill was paid by George. The other was a personal letter from George telling me that he was on his way to Washington and that he felt relieved. I then left the hotel and took a walk back to see Richard and Henry and told them that George finally had left and George had left a letter behind for me which I had later destroyed.

"In the evening I went out with Richard. Richard and I went to visit various night spots on Broadway. Richard returned to the Hotel Governor Clinton with me, and he took a room for the night. His room was number 1422.

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"On Friday morning Richard and I had breakfast together in my room. Richard then commenced to quarrel with me, pointing out that George and I were living on a level above that which we were supposed to and in a style which would leave traces of our activities. Richard also pointed out that we were not living up to the orders given us by Germany. Richard then left me without saying goodbye and mentioned that he would not stand for what was going on and that George and I would have to suffer the consequences. I wish to point out again that in Germany we were all instructed that if anyone of us acted suspiciously, it was the duty of the others to remove us. To prevent Richard and Henry from becoming too independent I again visited Richard and Henry on Friday night. I took them to eat, after which Richard and Henry came to my room at the Hotel Governor Clinton.

"While I was in the bathroom, I noticed Henry open the drawer of my writing desk and take out the letter which George had written to me, telling me that he was going to Washington. I observed this through the mirror. Henry then appeared to read the letter and he handed it to Richard. They then returned the letter to the drawer. I also observed that Henry took the paid bill of the Hotel Governor Clinton from the right desk drawer and looked at it. It was obvious from this bill that we had never stayed at the Hotel New Yorker. In order to prevent any possible bodily harm to myself and in order to prevent Richard and Henry from asking me questions, I hurriedly dressed and we all left the hotel. Richard

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and Henry did not say anything about the letter they found in the drawer of the writing desk. All of us took a taxicab to meet some chance girl acquaintances.

"After some time the three of us left the house together and I caught a taxicab back to the Hotel Governor Clinton. I do not know where Richard and Henry went.

"I stayed in my hotel room until about 3:00 P.M. on Saturday, June 20th. I had expected to receive some word from George or someone from the F.B.I. but I did not receive any such word. I then went to a Rogers Peet clothing store near 5th Avenue and 42nd Street, where I met Richard and Henry. Earlier in the week Richard, Henry and I had been in this same Rogers Peet store where Richard and I purchased some clothes. We were supposed to call for these clothes about 3:00 o'clock Saturday afternoon. Richard and I called for our clothes at the Rogers Peet store.

"Previously, when I ordered the clothes at this store, I gave my correct address, but I noticed that Richard did not give a correct address. The three of us then stopped for something to eat, after which I returned to the Hotel Governor Clinton and Richard and Henry left me. Before leaving I made an appointment with Richard and Henry to see them the following Monday.

"After I got back to the Hotel, I tried on the clothes which I purchased and sat down to read a newspaper. In the meantime I had left the room door unlocked. I wish to point out that ever since George left the Hotel Governor Clinton I always left my room door open, when-

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ever I was in the hotel, because I expected any time after George left to be contacted by F.B.I. agents.

"About 5:00 o'clock June 20th, when I was in my hotel room, various Agents of the F.B.I. came to my room and placed me under arrest.

"I wish to state in closing that I have given the facts as fairly and as impartially as I can recall. I never had the intention of carrying out the orders given to me by officials of the German Government in connection with the mission on which I was sent to the United States. I have every intention of fighting against the present German regime to the best of my ability. I want to do this, not for reasons of personal profit, but as a result of my own personal convictions. I am willing at any time to cooperate to the fullest extent in any way possible, to assist the United States Government in fighting the present German regime.

"I have read the above statement consisting of 66 pages. This statement was given by me from June 23rd to June 26, 1942, and I have initialed each page thereof, and signed my name in full on the last page. I understand the English language very well and I understand fully everything in this statement, the contents of which I gave according to the best of my ability and recollection.

(Signed) "Ernest Peter Burger

"Witnesses:

(Signed) "Charles F. Lanman
Special Agent, Federal Bureau of Investigation
U. S. Department of Justice
U. S. Court House, Foley Square,
New York, N. Y.

(Signed) "Joseph G. Fellner
Special Agent, Federal Bureau of Investigation
U. S. Department of Justice
U. S. Court House, Foley Square,
New York, New York."

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The Attorney General. May it please the Commission, I would like to offer in evidence, which has been agreed to by counsel, photostatic copies of drawings, numbered P-86 to P-86I, both inclusive.

The President. If there is no objection, that will be done.

(Photostatic copies of drawings were marked, respectively, P-86, P-86A, P-86B, P-86C, P-86D, P-86E, P-86F, P-86G, P-86H and P-86I, and received in evidence.)

Colonel Royall. The same stipulation applies to defendants other than Burger?

The Attorney General. Yes.

May I continue until 5 o'clock, Mr. President?

The President. Yes.

The Attorney General. You may cross examine.

Colonel Royall. May it please the Commission, I thought that the Attorney General had some further questions to ask. We would much prefer not to start the cross-examination this afternoon, among other things, for the reason that, thinking we would adjourn at 4:30, we had arranged to see a witness, and we did not want to interrupt the direct examination. I would much prefer not to start the cross-examination until tomorrow morning.

The President. The Commission will adjourn until 10 o'clock tomorrow morning. Is that satisfactory to the two sides?

Colonel Royall. Yes, sir.

The Attorney General. Yes.

Colonel Munson. May I make a technical motion before

adjournment, if there is no further business?

The President. Yes.

Colonel Munson. Due to the fact that many witnesses come from a greater distance than they can conveniently return at night, it is necessary, under the law, that there be an order of the Commission in order to permit them to receive a per diem granted in such cases, of \$3 a day. Therefore I request the Commission respectfully to adopt the following order:

"Ordered, that civilian witnesses (other than witnesses who are salaried employees of the Government and detained witnesses) before this Commission, who are in attendance at points removed from their respective residences of over 100 miles are so far removed from their respective residences as to prohibit their return thereto from day to day, and are to be deemed entitled to the \$3 per diem allowed in such cases."

I ask that that order be adopted.

The President. It is so ordered.

Colonel Royall. Does that apply to witnesses for the defense?

Colonel Munson. To all witnesses.

The Attorney General. Would the Commission care to indicate substantially how long it will sit tomorrow, so that we can arrange for witnesses to be here?

The President. I shall be glad to have you express your wishes in the matter. I understand that you would like to sit tomorrow just as we have heretofore?

The Attorney General. That would be my preference.

The President. Is that agreeable to the defense?

Colonel Royall. I think so, sir, provided we do not sit

on Sunday. We have been a trifle crowded for time, and we are very anxious not to move for any sort of a continuance. However, I think we could utilize Sunday very well in preparing the defense of our case. We are running a little behind on it.

The President. The Commission will not sit on Sunday under those circumstances.

The Commission is adjourned until tomorrow morning at 10 o'clock.

(Whereupon, at 4:50 o'clock p. m., an adjournment was taken until tomorrow, Saturday, July 11, 1942, at 10 o'clock a. m.)

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Sub Case